# The Solicitors' Journal.

THE SOLICITORS TOTICNAL

LONDON, NOVEMBER 10, 1883.

# CURRENT TOPICS.

IT IS UNDERSTOOD that as soon as all the Lords Justices have returned from circuit, Lord Justice FRY will sit in Appeal Court No. 2. and Lord Justice BAGGALLAY in Appeal Court No. 1.

It is anticipated that the Court of Appeal No. 1 will complete their interlocutory appeals by Monday next, and that on that day the court will be composed of three judges who will take final appeals.

THE DRAFT of the rules which are to supersede the Chancery Funds Consolidated Orders, 1874, is being entirely remodelled, and, when printed, will be distributed for criticism and suggestions among officials of the court and practitioners of experience.

THERE HAS BEEN a good deal of discussion during the week with regard to the supposed intention of Mr. Prior (the American lawyer) to apply for audience as counsel to O'Donnell at his approaching trial. We have good authority for stating—what, indeed, must be obvious to everyone who considers the nature of the English professional assistance which the prisoner has obtainedthat there neither is, nor has ever been, any intention on the part of Mr. PRYOR to take part in the conduct in court of the case for the defence.

Some or the daily newspapers this week have been moralizing upon the assumed frequency of applications against fraudulent The Standard on Tuesday affirmed that "it cannot be denied that cases of this kind come before the public with scandalous frequency," and the Times on Thursday expressed an opinion that "In the matter of an attorney [sic]" "is a heading of very frequent occurrence in our law reports." It may be worth while to see how far these statements are well founded. We are in the habit of reporting, for the information of our readers, cases in which solicitors are struck of the roll or suspended. We find that the cases of solicitors struck off the roll reported in the last volume of this journal, ending with October last, amounted to eleven, and there were three cases of solicitors suspended for various terms. We also find from the last report of the Council of the Incorporated Law Society that there were during the year ending with June last twelve orders made absolute to strike solicitors off the roll, and four to suspend solicitors from practice for limited periods, and from the report of the previous year it appears that in the year ending with June, 1882, there were only five orders to strike off the rolls. Considering how many thousands of certificated solicitors there are in England we do not think that the figures given above afford any foundation for the assertion as to the "scandalous frequency" of applications against fraudulent solicitors; nor do they seem to show that the proportion of offenders is greater among solicitors than among any other large body of men who are intrusted with other people's money. But what attracts the attention of the newspaper scribes is, of course, the peculiar nature of the process by which the solicitor is punished. The practice of reporting applications to the court for a rule nisi has led the reader who is unacquainted with the procedure to double the number of supposed offenders. This will hereafter cease under ord. 52, r. 2. The applications to the divisional court and the solemn observations in which some of the judges are in the habit of indulging about the severity of the punishment necessary in the case of "officers of the court" abusing

their trust, draw the attention of the public, and so it comes about that an impression gains ground that solicitors have more black sheep among them than other professions. We wonder how many applications would be made in the year if all the members of any other great profession were subject to a like public summary jurisdiction.

THE FEARS which we expressed the other day, that objection might possibly be taken to one or two of the new Rules of Court upon the alleged ground that they were ultra vires, have this week been realized. An objection has been formally taken, upon this ground, to ord. 55, r. 2, paragraph 7. By this paragraph, which is only one of eighteen in pari materia, it is directed that "applications for interim and permanent investment, and for payment of dividends under the Lands Clauses Consolidation Act, 1845, and any other Act passed before the 14th of August, 1855, whereby the purchase-money of any property sold is directed to be paid into court," shall be made by summons at chambers. Now, the Lands Clauses Act, s. 70, prescribes in so many words that compensation-money paid into the Bank of England under the Lands Clauses Act may be invested "upon an order of the Court of Chancery in might possibly be taken to one or two of the new Rules of Court may be invested "upon an order of the Court of Chancery in England, made on the petition of the party," &c., so that the statute and the rules are, on the face of them, in direct conflict. There are, however, three grounds upon which the validity of the impugned rule may be supported. First, it may be said that the general power to make rules vested in the Rule Committee by the 17th section of the Judicature Act, 1875, which comprises a power to make rules as to "any matters relating to the practice and procedure of the Supreme Court," includes a power to set aside the statute pro tanto—that is, it allows the Rule Committee to alter practice and procedure already regulated by statute. Secondly, the Statute Law Revision and Civil Procedure Act of the late session (46 & 47 Vict. c. 49) expressly directs that "the enactments relating to the making of rules of court, contained in the Supreme Court of Judicature Act, 1875, and the Acts amending it, shall be deemed to extend and apply to the matters contained in and regulated by the enactments repealed by this Act"—an enactment passed apparently to take away doubts as to the validity of rules deprived of their statutory foundation; and, by 15 & 16 Vict. 80, s. 26, one of the repealed enactments, express power was given to dispose of in chambers certain enumerated matters and " such ot hermatters, as might, from time to time, be directed by any general order of the Lord Chancellor." Thirdly, inquiry will naturally be directed to the 14th of August, 1855, the date singled out for mention by the impugned rule. We think there is no doubt that menton by the impugned rule. We think there is no doubt that this date was selected as being the date of the passing of the Act 18 & 19 Vict c. 134 (not repealed by the Statute Law Revision Act of 1883), whereby (section 16), after reciting that, "by divers Acts of Parliament, the Court of Chancery is empowered to make orders in respect of the disposition of trust funds and other matters orders in respect of the disposition of trust funds and other matters under its jurisdiction, upon petition, without bill, but such orders cannot be made in respect of the same matters upon applications at chambers," it is enacted that "the business to be disposed of . . . at chambers shall comprise such of the matters in respect of which the Court of Chancery is so empowered, as aforesaid, as the Lord Chancellor, with the advice and assistance of the Master of the Rolls and the Vice-Chancellors, or any two of them, may, by any general order, determine." This section appears to give the power required, but the powers of the section are, so far as we can discover, nowhere expressly transferred to the Rule Committee. Upon whichever of the three grounds eines may be found, the question raised is one of considerable interest upon the question of the general powers of the Rule Committee, and the decision of the court may, perhaps, have more than its intrinsic value as affording a defence for one or two points in the rules more vulnerable

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CONSIDERABLE EXCITEMENT upon the question of overhead wires has recently prevailed amongst the local authorities in all parts of the metropolis, and it has been stated in the report of a committee of the vestry of St. George's, and signed by Sir Anthur Hobhouse, that a metropolitan vestry or district board have no complete ownership of the land constituting the highways, but only such interest in the subsoil as is necessary for the performance of their duties. "It is, indeed," report the committee, "suggested by the Local Government Board that vestries have a right of property in the streets which would give them the requisite control. If so, there is no doubt that they can prohibit the hanging of wires over the streets, ccause a trespass would thereby be committed on their property. But the suggestion is a new one. The only legal opinion taken on behalf of the City Commissioners of Sewers is adverse to it. On the other hand, on a careful examination of all such authorities as could be found in the books, they found some judicial dicts strongly adverse to it, and no decision or dictum which attributes to vestries any greater ownership of the highways than that of the surface." What judicial dicts there may be we cannot say. But we think we can refer to at least one, and that a very strong authority, against the view of the powers of the vestries said to be taken by the Local Government Board. It was held in 1878, by the Court of Appeal, in Coverdale v. Charlton (L. R. 4 Q. B. D. 104), that the word "vests" in section 149 of the Public Health Act, 1875, whereby all streets, including in that term highways, 'vest" in a local board, conferred upon such local board a property in a highway sufficient to enable them to let the pasturage upon the highway. It was suggested in argument, by way of reduction and absurdum, that the doctrine "usque ad coulum" applied. But the court declined to be led away by such a suggestion. "Street, in my opinion," observed Brett, L.J., "includes the surface and so much of the depth as may be not unfairly used as streets are used. It does not include such a depth as would carry with it the right to mines, neither would 'street' include any buildings which may happen to be built over the land, because that is not a part of the street within the meaning of this Act." The importance of this decision is obvious when we consider that section 96 of the Metropolis Management Act, 1855, "vests" streets in vestries in terms almost precisely similar to those in which section 149 of the Public Health Act, 1875, "vests" highways in urban sanitary authorities. It should be added that the decision of Coverdale v. Charlton by the High Court was followed within two months by remedial legislation. The decision of the High Court (reported L. R. 3 Q. B. D. 376) was in more general terms than that of the Court of Appeal, and expressions occur in the judgment from which an unlimited property might be thought deducible. Mineowners, therefore, not unnaturally took alarm, and it was provided by section 91 of the Highways and Locomotives Amendment Act, 1878. (41 & 42 Vict. c. 77; passed before the decision of the Court of Appeal was given), that notwithstanding anything contained in section 149 of the Public Health Act, 1875, all mines and minerals of any description whatsoever under any highway which has or shall become vested in an urban sanitary authority, by virtue of the said section, shall belong to the person who would be entitled thereto in case such highway had not become so vested." The Legislature, as appears from the dictum of Barr, LJ., above cited, took a wrong view of the law.

THE QUESTION, whether a railway company has the same right as a private owner in fee simple, in respect to land taken by them e purposes of their railway, to erect hoardings and intercept the light passing to windows recently constructed, was, four years ago, described by the Court of Appeal in the case of Norton v. London and North-Western Railway Company (L. R. 13 Ch. D. 268, at p. 276) as a question "of great national importance, affecting, on the one hand, all the railway companies in the kingdom, d, on the other, all the landowners' frontages on their lines." The matters in dispute in that action were decided upon another ground—namely, that the railway company had not erected the hoarding upon their own land, and were, in fact, trespassers—and the Court of Appeal declined to express any opinion upon the above-mentioned question. Vice-Chancellor Malins, before whom the case same in the first instance (L. R. 9 Ch. D. 623), was not equally reticent. Though he also held upon the evidence that the

ing very distinctly his opinion that, even if they had not been trespassers, and if the land on which they had erected their hoarding had fully belonged to them, they would have had no right to erect it. The chief grounds upon which he based this opinion seem to have been, partly, the consideration that the Legislature, when it authorized the company compulsorily to take the owner's land, at the same time showed an intention to prevent him from suffering any loss or deprivation of rights which could possibly be prevented, and partly upon the consideration that erecting hoardings is not a statutory function of railway companies, who are restricted to the performance of their statutory functions. Perhaps the learned judge did not very clearly distinguish between these two grounds; though the manner in which they respectively bear upon the question is very different. Thus, if the former ground be relied on, it would seem that a company might erect a hoarding to prevent the acquirement of an easement at any spot at which they bond fide intended to erect a building for the purposes of their undertaking, but if the latter ground be relied on, it would seem that they could not interfere with the acquirement of an easement, unless by the actual erection of the building itself which they intended to use; and Lord Justice James, when delivering the judgment of the whole Court of Appeal, pointed out (L. R. 13 Ch. D., at pp. 274, 275) that the question is one of great intricacy, branching out into many difficult consequential inquiries. The fact that no steps have been taken to define the rights thus left undecided, seems to show that, in practice, the parties on the one side and the other do not often come into collision; and, indeed, it seems evident that, unless where a railway company had themselves a bond fide intention of building, it would not be worth their while to make any attempt to interfere with the building operations of adjoining owners. However, the question has again arisen, in a case (Bonner v. Great Western Railway Company, L. R. 24 Ch. D. 1) which is reported in the current number of the official Law Reports; and though it cannot yet be said to have been decided, it seems to have been put in a fair way for decision. The court refused to grant an interim injunction to restrain the erection of the hoarding; and though this refusal on an interlocutory application is, of course, without prejudice to the rights of the parties as they will be determined at the trial of the action, yet the grounds of the refusal seem rather to portend that the right of railway companies to erect hoardings will be held to stand on exactly the same footing as that of a private owner.

THE RECORDER OF READING has recently sentenced two persons, for conspiring to defraud a railway company by travelling without payment of fare, and with intent to avoid payment thereof, to six months' imprisonment, and the severity of this sentence has been severely commented on, the recorder, of course, not being able to be heard in his own defence. Whatever may be the merits of this particular case, we hope that public attention will also be directed to two curious features of the law of the subject. First, the offence being a common law misdemeanor, the recorder, undoubtedly, had jurisdiction to pass a sentence, both of fine and imprisonment, to an amount and for a period limited by his discretion alone: This is a power which should be intrusted to no judge however eminent; and we hope that a reasonable limit, say oneyear's imprisonment and £500 fine, may, by some statute, be imposed upon the judicial discretion. It is clearly a casus omissus: in our criminal law that, for crimes for which Parliament has not thought it worth while to provide a specific definition and punishment, Parliament should not also have provided a maximum punishment. Secondly, we hope attention may be drawn to the inadequacy of the penalty provided by the Railway Acts for an act of cheating on the part of a single person. This penalty is to be found in section 103 of the Railways Clauses Consolidation Act, 1845, which provides that, "if any person travel ... without having previously paid his fare, and with intent to avoid paynent thereof. ment thereof, . . . he shall, for every such offence, forfeit to the company a sum not exceeding forty shillings." A long series: of decisions of which, perhaps, Dearden v. Townsend (L. R. 1 Q. B. 10) is the best known as well as the earliest, has cut down the application of this section, and very properly cut it down, to cases: of fraud strictly so called. When, however, such a case is proved, railway company were trespassers, he did not abstain from express- it is surely an offence on the part of the man who commits

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it deserving some more severe punishment than a maximum tortest to the railway company of forty shillings. Why should not the convicting justices have power to imprison such an offender for say, three days—the term of imprisonment which may be awarded to the poor organ-grinder who, being summoned by a householder to depart from his house, refuses to depart therefrom? If some such reasonable increase of the punishment for the single offence were to be effected by law, we should hear less of these presecutions on the part of railway companies for a double one.

# PAYMENT OF PURCHASE-MONEY TO SOLICITOR.

ONE of the most convenient provisions of the Conveyancing Act, 1881, is section 56, which purports to make the production by a solicitor of a deed containing a receipt executed by the person entitled to give a receipt for the consideration-money, a sufficient authority for payment of such consideration-money to the solicitor. But the section appears to have been constructed without much regard to the questions which might be involved. It purports to regard to the questions which might be involved. It purports to give the authority to the solicitor who produces the deed, although he may not be the solicitor of the party to whom the consideration is payable. What is to be done where several mortgagees, acting by separate solicitors, are to be paid off out of the purchase-money? Again, instead of either expressly limiting its operation to cases in which an express authority for payment to a solicitor can lawfully be given, or expressly extending its operation to cases in which it was doubtful whether express authority could leavefully be given to a solicitor in whether express authority could lawfully be given to a solicitor, it

simply sets forth that "where a solicitor produces a deed, having a receipt for consideration money . . . . the deed shall be sufficient authority to the person liable to pay the same for his paying the same to the solicitor." In the recent case of In re Bellamy's Contract (31 W. R. 900), the majority of the Court of Appeal have supplied the words which ought to have been inserted in the section. Lord Justice Bowen described its only effect as being to make a vendor's receipt, of the character described in the section, equivalent, for the purpose of the protection of the vendee, to a written direction of the vendor. "I do not think," he said, "the section is meant to compel the purchaser to accept a written receipt, where he would not before the Act have been compelled to act on a written direction, and it seems to me that the whole framework of the section points to its being intended for the protection of a vendee who acts on a receipt without having any written authority; that is to say, to place the vendee who acts on such a receipt in the same position as if a written authority had been handed to him by the vendor." And Lord Justice Cotton said that the section "applies only to vendors who have power to authorize their solicitors to receive the money, and does not give vendors any additional power of authorizing their solicitors to receive the money, or give to the purchaser any additional safety in payment to a solicitor who produces the deed except this, that the deed shall be equivalent to, and have the same force and authority as, a separate or specially written authority or direction." On the other hand, Lord Justice Baggallay could "see nothing either in the section itself or elsewhere in the Act to justify so limited an application of its provisions"; and Mr. Justice Kay, in the court below, arrived at a similar conclusion. That judges of such eminence should differ so widely as to the meaning of the section is sufficient testimony to the high pitch to which the modern art of concealing the intentions of the Legislature has been carried.

The importance of the decision, of course, lies, first, in the obli-The importance of the decision, of course, lies, first, in the obligation which it imposes on practitioners to consider, before availing themselves of the provisions of section 56, whether the case in hand is one in which, before the Conveyancing Act, a written authority could lawfully have been given; and, next, in the clearness with which the majority of the Court of Appeal have laid down the principle that, before the Act, a purchaser from trustees would not, in general, have been justified in paying the purchase-money to the trustee's solicitor upon a written authority. The previous dectrine on this question was open to considerable doubt. The previous dostrine on this question was open to considerable doubt. It is true that in *Hope* v. *Liddell* (4 W. R. 145, 21 Beav. 183) Lord Romilly said, "The purchaser having obeyed the direction of the trustee to pay [the purchase-money] to another person, has, in

my opinion, thereby made a payment of it to the trustee himself, and is exonerated from the consequences of misapplication, unless the purchaser had express notice that the person to whom he was directed to pay it was about to commit a breach of trust, in such a way as to make the purchaser a party to the wrongful act." And, in Robertson v. Armstrong (28 Beav. 123), the same learned judge laid it down that, "where a person is authorized by trustees to receive trust-money, and receives it accordingly, the receipt of the money by the agent binds the trustees and discharges the person who pays it." But these decisions have not been generally acquiesced in by conveyancera, and, as Mr. Dart points out, the opinion of Lord St. Leonards on the point may be surmised from his advising (Sugd. V. & P., 14th ed., 667) that where all the trustees cannot be got together, the purchasemoney should be paid into a bank to their joint account, on their written authority. The majority of the Court of Appeal in In re Bellamy's Contract have decided that, in general, trustees are not justified in giving an authority to their solicitor to receive purchase-money. "I think it may be safely stated, as a general rule, under ordinary circumstance," said Lord Justice Cotton, "that trustees are not justified in authorizing their solicitor or other agent to receive purchase-money which ought to be paid personally to them. But that is not in any way, in my opinion, a universal rule. There may be circumstances which would justify and render it necessary for trustees to grant power to somebody else to receive purchase-money for them; but, as a general rule, I think it may be safely laid down that it is their duty not to authorize, or delegate the power to, an agent ar solicitor to receive the money." And as an example of the exceptions to this rule Lord Justice Bowen said: "Suppose a trustee is abroad. You cannot expect a purchaser to be hunting all over the globe for the purpose of finding the man to whom he is to pay the money. That would be the purchase-money; but still a solicitor, to use the language of a judge in a well-known case, is not employed to receive the purchase-money, except in the case of moral necessity. It must depend on the circumstances of each case whether he was properly so employed or not."

The practical lesson of the case is that wherever a purchaser is buying from trustees he will do well to require that, on the completion of the purchase, the vendors should either attend personally to receive the purchase money, or else give to the purchaser a written direction, signed by the vendors, to pay the money into some bank to the joint account of the vendors.

We are requested to publish the following intimation:-It appears that many trustees in liquidations under the Act of 1869 have been in the habit of refusing to submit their accounts to, or allow them to be inspected by, the creditors. The Board of Trade, being of opinion that creditors are entitled to all reasonable information, is availing itself of the power conferred on it under section 162 of the new Bankruptcy Act, requiring from trustees who refuse such information with regard to their accounts to inquiring creditors a statement of their receipts and payments, verified by affidavits, together with the vouchers of the same. The Beard of Trade does not apparently consider it to be its duty to supersede the action of the creditors by investigating matters which the latter are authorized and required, by the Act of 1869, to investigate for themselves, but only to assist them, as far as possible, in obtaining the information to which they are entitled.

The Times Paris correspondent says that several French provincia tribunals, including those of Air, Angers and Valence, Bourges, Paul Rambouillet, and Lorient, exercising the option now allowed by the Minister of Justice, dispensed with the so-called "Messe Rouge" on the opening of term. In some other cases, where the mass was held, a minority of the judges absented themselves. In Paris, a Jewish judge is aid to have been in the majority which adhered to the old tradition, and in recognition of their decision, Cardinal Guibert, the archbishop, wen and officiated at the Sainte Chapelle, where, in a brief address, he commended the judges for having shown their sense of the theistic basis of society.

The Chirago Loyal Advisor gives some advice to lawyers about that and manners. It denounces "the present disgusting style of short of the Albany Law Journal concurs, and adds that, anything connects a suit that is short should be disgusting to the professional saind.

# SPECIFIC PERFORMANCE OF RESTRIC-TIVE BUILDING COVENANTS.

Wirm regard to restrictive building covenants entered into by purchasers in fee simple with the vendor from whom they acquire the lands purchased by them, and which (not being between lessee and lessor) are not within the statute of 32 Hen. 8, c. 34, and do not "run with the land" at common law, the question most frequently arising concerns the liability of the purchaser's assigns to perform the covenants, under the doctrine laid down in the case of Tulk v. Moxkay (2 Ph. 774). With this part of the question we do not propose to meddle further to-day than to remind our readers that the doctrine has never yet come directly under the consideration of the House of Lords, and that, like the doctrine of consolidation of mortgages, as laid down by the inferior courts, it may, perhaps, be doomed to have its wings clipped by that tribunal. We propose, in connection with an important case recently decided by Mr. Justice Pearson (Sayers v. Collyer, L. R. 24 Ch. D. 180), to make some remarks upon the circumstances which will disqualify the covenants apart from obtaining specific performance of the covenant, apart from the question whether, under the doctrine of notice laid down in Tulk v. Moxhay, the covenantor is, speaking simpliciter, liable to perform it.

In the present case the following facts alone are material. building estate had been laid out at Leytonstone, and one lot had been conveyed to the predecessor in title of the plaintiff in 1877. The conveyance contained mutual restrictive covenants relating to a certain set or block of lots, of which the plaintiff's house was one, forbidding (inter alia) the use of any building "as a shop, workshop, warehouse, or factory"; and the vendors bound themselves to insert similar stipulations in all conveyances of other lots belonging to the same block; and it was provided that the covenant of each purchaser should be "with the vendors and the other owners of the land" to which the stipulations related.

Nothing seems to have turned upon the form of these covenants, and there seems to have been no question raised as to the liability of the defendant, who had, in 1879, acquired another lot of the same block from its original purchaser, to perform the covenants of which he had full notice at the time when he acquired his lot.

On the lot belonging to the defendant there was standing at the time when he acquired it a house having all the appearance of a beershop; and, in May, 1879, the defendant obtained an "off-licence" for the sale of beer and opened the house as a beershop. It was not disputed, prima facie, either that the restrictive covenants bound the defendant or that they could be enforced by the plaintiff; but a defence was set up founded upon the special circumstances of the case. It was said that the covenants had fallen into mere general contempt and desuctude; that the attainment of their only object, which must be the maintenance of the estate as a private residential property, had become utterly impossible; and that the plaintiff had himself acquiesced in the change so far as to buy his own beer at the defendant's shop for nine months before he commenced the action. It was urged that, under these circumstances, the plaintiff was, at all events, disentitled to an injunction to restrain the defendant from continuing to use the shop as a beershop in contravention of the covenant.

The learned judge may be said to have adopted this view, for he not only refused to grant the injunction, but also refused to give any damages for the breach, and dismissed the action with costs. The precise grounds upon which he arrived at this conclusion are, perhaps, less obvious than the fact that he arrived at it. to find in the judgment only traces of three separate arguments or grounds of decision—(1) the learned judge said that the case of Duke of Bedford v. Trustees of the British Museum (2 My. & K. 552) appeared to him to "furnish the true principle" upon which he ought to proceed. That case differs from the present one in this respect: that the general infraction of the restrictive covenants, which had made the attainment of their object practically impossible, had been brought about by the covenantee himself, the then laintiff, or his predecessors in title; whereas, in the present case, the plaintiff had not taken any part in the erection of the beershop upon the defendant's lot. The very pointed appeal made to the British Museum case seems to rest the decision of the present case

allowed to lapse, and to restore it to the state which seemed to have been contemplated by the restrictive covenants; and this principle seems to be laid down, irrespective of the question whether the plaintiff had any hand in bringing the property to its present position; (2) some stress was laid upon the acquiescence of the plaintiff in the infraction of the covenant by the defendant and by other persons, which was shown by his having been accustomed to buy his own beer at the defendant's beershop, and by his having seen other shops opened under his nose by other persons without taking any proceedings against them. This consideration may, perhaps, be thought partly to supply some kind of substitute for the missing link, and the direct causation of, or responsibility for, the general infraction, on the part of the plaintiff, which was found in the British Museum case, and so to bring the present case more upon the same footing. Perhaps such an inference is not unwarranted. Yet it is to be observed that an acquiescence of something less than three years, where it has not induced the other side to spend money or otherwise place themselves in an altered position, has not hitherto been thought to constitute a sufficient ground for refusing relief to which a plaintiff would otherwise be entitled; (3) the learned judge seemed to hint at a suspicion of mala fides in the prosecution of the action. "I find that he himself [the plaintiff] allowed the defendant's shop to be opened, and allowed it to continue for three years before he thought of bringing this action. I come, therefore, to the conclusion that the action is not brought bona fide for the purpose of stopping the use of the defendant's house as a beershop, because it is really no injury either to the plaintiff or to the persons living in his immediate neighbourhood in the same block, but that there is some other reason which I do not know [the italics are ours] which has induced the plaintiff in the year 1882 to complain of that of which he did not complain for three years before." We can imagine plenty of motives very apt to be included under the words which we have placed in italics, which would, probably, be considered on all hands to disentitle any person actuated by them from obtaining any equitable relief. But then, it might be uged that, before the imputation of such motives is allowed to have this effect, the motives ought not only to be known, but also to be shown to have actuated the plaintiff's conduct. Upon the whole, though we do not question the correctness of the learned judge's decision, we are not able to formulate, to our complete satisfaction, the grounds upon which he rested it.

It is worthy of remark, as illustrating the somewhat shadowy character of many equitable principles, that in some important cases of a similar nature to the present case, a ground or line of reasoning seems to have been adopted which does not precisely tally with what seem to have been the grounds adopted in the present case. The case of *Peek* v. *Matthews* (L. R. 3 Eq. 515) was a case of the same type, resembling also the case of *Roper* v. Williams (T. & R. 18), except in the apparently important point (which, however, was held not to afford a sufficient ground to distinguish it) that the covenantor had executed the covenant after the things had been done which were held to disentitle the covenantee to obtain equitable relief. In deciding the case of Peek v. Matthews, Vice-Chancellor Wood said:—"In Roper v. Williams the court, in considering whether it would grant specific performance of a covenant of this description, which is framed only to provide uniformity in a mode of building, so that the enjoyment which springs from regularity in a series of dwellings may be preserved, held that he who seeks to enforce a covenant of this kind must suffer no such breach of the stipulation as will frustrate all the benefit that would otherwise accrue to the other parties to the agreement." But in that case the person who had suffered the breach was the landlord himself, who had taken no steps to prevent his original building plan from being widely departed from. This fact seems to afford ground for a material distinction from the

Lastly, we are not quite clear with respect to the refusal of the learned judge to grant nominal damages. It is true that, as he observed, under Lord Cairns' Act, he had a right, in any case where he refused an injunction, to grant damages instead. But the court now sits, not on each court of equity, which, when it grants damages, grants them in lieu of an injunction, but also as a court of law, which grants legal damages for breach of covenant. At law, a plaintiff has a clear right to nominal damages for the upon the bare fact that it would be practically impossible to raise breach of a covenant, even though he may not only have suffered the property out of the state into which it had somehow been no damage, but may have derived positive benefit from the breach. It is e the planet, a nomin of the ought for sa is this quest

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Sections of the Corresponding visions in the B. A., 1869.

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No corresponding provision

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out that Mr. Justice Pearson was misinformed, or in any way mistake

as to the extent of the local board's right to block the pipes, the

ridiculous result might follow, that the plaintiff in another action

would obtain an injunction to restrain the local board from doing some-

thing which they could not very well omit to do without committing a breach of the injunction which had previously been obtained against

them. This result is not in the present case at all likely to follow; but

courts are at the present day so ready to use any new weapon put into their hands, that we cannot help viewing any increase of facility in grant-ing injunctions with some anxiety. And it cannot be said, after all, that

there is any impossibility, or monstrous improbability, in the supposi-

tion that the precise rights and powers of a third person, not a party to the action, might fail to be investigated in his absence with that

precision which seems to be a necessary preliminary to granting an injunction by which somebody else is practically compelled to interfere

THE NEW BANKRUPTCY ACT.

To those of our readers who are familiar with the provisions of the Bankruptcy Act, 1869, the following table, giving the various sections of that Act in numerical order, and, opposite to each, the corresponding provisions in the new Act, for the purposes of comparison, may be of assistance in acquiring a knowledge of the statute which will take the place of the Act of 1869 on the 1st of January next. It will be seen that nearly all the sections of the Act which is now expiring find a corresponding provision in the new statute, but a comparison of the provisions in the two Acts shows many alterations made thereby, whilst there are also a number of provisions in the new statute to which there are no corresponding provisions in the Act of 1869. These we will point out and discuss in dealing with the new statute so soon as the General Rules, to be made thereunder, have been issued:—

question of costs.

It is expressly stated in the report that, by his statement of claim,

the plaintiff claimed damages as well as an injunction; and we do not, as at present advised, quite understand the ground upon which nominal damages were refused to him. Much parade is often made

of the doctrine that courts of law are now courts of equity; and it

ought not to be forgotten that there is precisely the same ground

for saying that courts of equity are now also courts of law. Nor

is this question of nominal damages practically unimportant; for it could scarcely have failed to have a practical bearing upon the

RECENT DECISIONS.

(Charles v. Finchley Local Board, L. R. 23 Ch. D. 767.)

Readers of the reports of cases decided by Mr. Justice Pearson can

hardly fail to have been struck by the subtlety of the distinc-tions taken by that learned judge. We noticed one example last

week in the case of Wilson v. Coxwell (L. B. 23 Ch. D. 764),

where we felt some doubt whether the distinction upon which the

decision was founded was either necessary to be taken or beneficial

to the public. The case of Charles v. Finchley Local Board perhaps supplies us with a similar example. In that case it appeared that

about 1878 the predecessors in title of the local board entered into a

contract with a person not a party to the action, of which it was one

of the articles that the said person should be allowed to drain surface

water through pipes from his land into a certain channel or gully

constructed by and belonging to the local board. The person in

question drained through his pipes not only surface water, but also

sewage, and thus created what the plaintiff, a neighbouring house

owner, alleged to be an intolerable nuisance. The latter accordingly

claimed an injunction to restrain the local board from permitting the sewage to pass through their channel. The fact of the nuisance was

admitted, but the defendants contended that there was no jurisdiction

to grant an injunction to compel them, who had done nothing to

create the nuisance, to construct an improved system of drainage; and

the court, in fact, held that such compulsion could not be applied

except by mandamus. The defendants also contended, on the authority

of the Court of Appeal in Attorney-General v. Guardians of Poor

of Union of Dorking (L. R. 20 Ch. D. 595), that they could not

be compelled to take legal proceedings against the offending

third person, to whom the nuisance was due, to compel him to

abate it. But Mr. Justice Pearson took the distinction that in

the present case no legal proceedings were necessary; for that

the local board might proceed par voic de fait, by blocking up

the pipes, by which the sewage was conveyed to their channel,

at the junction of the channel with the pipes. He therefore granted the injunction claimed. This ingenious distinction may very

possibly be supported. But a doubt may arise whether the most

practically convenient ground for distinguishing between the cases of

this type in which the court will, and those in which it will not, grant

an injunction, does not lie in the question whether the injunction will

do anything beyond compelling the defendant to deal with his own

property within the limit of his undoubted proprietary rights. In the

present case it is true that no legal proceedings would have been

needed to carry into effect the injunction; and it is true that in

Attorney-General v. Guardians of Poer of Union of Dorking, the late

Master of the Rolls based the judgment of the court upon the com-

pulsion to take legal proceedings which an injunction would practically

in that case have laid upon the defendant. But in the present case,

though no legal proceedings were necessary to carry into effect the

injunction, yet the defendants may very possibly be involved in legal

proceedings when they carry it into effect; and it seems to us at least

doubtful whether this fact does not as much bring the case within

the principle of Sir G. Jessel's remarks as if actual proceedings had

been necessary. If, on the local board blocking up the pipes, the

offending third party should knock down the obstruction, the local board will have no choice but to bring against him an action of

trespass; and in such an action there would be no estoppel against

the plaintiff by the record of the present action, to which he is a stranger. If (which is, of course, not at all probable) it should turn

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# THE LATE MR. THOMAS COATES.

A CORRESPONDENT has kindly sent us the following interesting notes on the late Mr. Coates :-

"I have thought more than once whether it would be in good taste or not to throw a stone on the cairn to the memory of one of the few last of the parliamentary agents who took a conspicuous part in the memorable railway mania days of 1845-6, and who has just been taken from us at a ripe old age.

"On second thoughts I think it is good taste, because I feel that

what I am writing will call to the minds of many professional men in London and the country the familiar face and figure of one who was as largely trusted as most public men in England, and as much

respected and esteemed.

"I had no connection with Mr. Coates whatever, but for nearly forty years have witnessed his career, from the time when he was taking wholly on his own shoulders the management and responsibility of (inter alia) the conduct of the London and York Railway (now the Great Northern), which occupied two sessions, passing the House of Commons in 1845, and having been suspended till the year 1846, when it was passed. It was possibly the largest scheme ever before Parliament.

"Mr. Costes' great professional career is known to all the public men in England who have been engaged as suitors in Parliament. But let me add my stone to the cairn for what it is worth.

"The late esteemed gentleman was gifted with a very large stock of natural politeness, and genuine and sincere kindness. His judgment on any difficult point of what was simple truth, and what was pure honour, during a heavily contested case, was admirable. No man ever fought harder, as I knew from long experience, or ever fought fairer. And I could judge as well as most people, as very many warr are when I was rannaring dork to a firm of solicitors. many years ago, when I was managing clerk to a firm of solicitors who represented one of the great railway companies, our firm had for six successive years to defend our territory against various (nominally) independent companies, which really were under the wing of the broad-guage party, and which carried the flag of defiance—death's head and cross-bones'—pirates who never gave or re-

oeived quarter. Of course, every technical objection and device was made use of on both sides, for it was war to the knife; and I think, almost without exception, Mr. Coates was the agent against us. Fierce as the battle was in the committee-rooms, and hot as temper might be sometimes, I never remember his doing an unhandsome thing; and sometimes, if I reminded him when the committee was over, and I met him in the lobby, that he had got a little excited, he turned it with some quaint remark, one of which I always bear in mind: 'My dear sir, if you ever observe me clapping my wings too much, or crowing too loud, kindly remind me.' I also recall a very quaint criticism on unprofessional dress some few years since. I intended to spend a day in the country near London, and received a telegram which brought me up for the purpose of answering an important letter. There was no time to dress, and I came off as I was, in a very light summer suit, consisting of flannel trousers, a light grey flannel shooting-jacket, and a straw hat. Crossing Parliament-street I met Mr. Coates, who struck an attitude and stopped. 'Pardon my asking an impertinent question—but I knew you almost from a boy—have you come up to sell a dog?'

"All these little peculiarities were quite in keeping with the fine qualities of a kind, good, thoughtful, and earnest man, and able practitioner."

# REVIEWS.

# EQUITY INDEX.

CHITTY'S INDEX TO ALL THE REPORTED CASHS DECIDED IN THE SEVERAL COURTS OF EQUITY IN ENGLAND, THE PRIVY COUNCIL, AND THE HOUSE OF LORDS, WITH A SELECTION OF IRIBE CASES, ON OR RELATING TO THE PRINCIPLES, PLEADING, AND PRACTICE OF EQUITY AND BANKRUPTCY; FROM THE EARLIEST PERIOD. FOURTH EDITION. By WILLIAM FRANK JONES and HENRY EDWARD HIRST, Esqs., Barristers-at-Law. Volume I. Stevens & Sons, H. Sweet, and W. Maxwell & Son.

The last edition of Chitty's Index is now thirty years old, and the lack of a new edition, brought down to the present time, has long been felt by practitioners who have observed the constant recourse which is made in common law matters to the great storehouse of decisions provided by the late Mr. Fisher. This want seems to us likely to be well supplied by the editors of the present edition of Chitty. They have revised the old headings, eliminating some and adding many; and re-arranging and re-classifying the old cases. The result, so far as the work has yet gone, is very satisfactory. The titles selected under the subjects we have examined are practical and definite. It is extremely easy, by the help of the synopsis at the head definite. It is extremely easy, by the help of the synopsis at the head of each subject, to find your way to any branch you want, and by means of sub-heads the area of search is again diminished, so that you come, with very little trouble, to all the decisions upon the point which is in hand.

Another great merit of the book is the careful selection which has been made of the head-notes. The editors have not which has been made of the head-notes. The editors have not confined themselves to the reproduction of the head-notes in the so-called "authorized" reports, but have, in very many cases, selected from among the different current reports the head-note which seems best adapted for the purpose of the Digest, or have supplemented from other reports the deficiencies of the "authorized" report. This is a process involving great labour, and the editors deserve much credit for the care and skill with which it has been carried out. A good instance of the benefit of this practice is to be found, among many others, in the statement of In re European Bank, Agra Bank Claim (21 W. R. 45 L. R. 8 Ch. 41,), where we find added to the Law Reports' head-note, the following very important fact, which appears in the head-note of the Weekly Reporter. "It added to the Law Reports' head-note, the following very important fact, which appears in the head-note of the WERKLY REPORTER, "It appeared by the books of the bankers that it was their custom to carry the bills deposited with them by the customer to the credit of the loan account generally." Although special stress was laid upon this fact by the counsel for the appellant, there is no statement of the law Reports' head-note. Another noticeable feature of the Digest is the care with which references are given to the reports of the hearis the care with which references are given to the reports of the hearing in the court below, which appear, it may be, in only one of the current series of reports.

Instances could, of course, be found in which we do not quite approve of the arrangement adopted—for instance, we do not think that the case of University of London v. Garrow (23 Beav. 159) should be inserted under the head of "Animals"—but these instances are not numerous, and we think that the volume reflects great credit on the editors. It extends as far as "Bankruptcy," and includes that important head, constituting a complete digest of the bankruptcy cases, also, among other subjects, "Banker," "Arbitration," and "Annuity,"

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THE NEW RULES OF COURT.

WILSON'S SUPREME COURT OF JUDICATURE ACTS, RULES OF THE SUPREME COURT, 1883, AND FORMS, WITH OTHER ACTS, ORDERS, RULES, AND REGULATIONS RELATING TO THE SUPREME COURT, WITH PRACTICAL NOTES. FOURTH EDITION. By M. D. CHALMERS AND M. MUIR MACKENZIE, BARTISTERS-AT-LAW. Stevens & Sons.

When the first edition of Mr. Justice Wilson's work appeared we remark to another, "Just got Wilson—seems to be uncommonly little in it;" to which leader No. 2 replied, "You mean there's not much padding." Probably there will also be found people who will say there is much less in Messrs. Chalmers and Muir Mackenzie's edition of the new rules than they expected to find. Here, it may be said, we have two learned editors, one of whom drafted a section of the rules, and the other of whom, in conjunction with his brother, the principal secretary to the Lord Chancellor, is understood to have borne the heavy task of drafting and consolidating a great part of the rules; surely we shall learn something as to the mode in which the judges intend to work the new rules; we shall hear, too, what is to be said on behalf of the provisions which have been most keenly attacked. We need hardly say that anticipations such as these are utterly idle. Independently of the obvious restrictions of confidential duty, a book of practice is not the place either for speculations as to judicial decisions or dissertations as to the policy of the new rules. All that can he expected is an accurate statement as to the sources of the rules, a short practical explanation of the alterations effected by them, and copious cross-references. It seems to us that the editors have accomplished remarkably well all that could reasonably be expected from them. Their notes to the rules are conciso, clear, accurate and practical; see, as an example, the note at page 234 on third parties. There are, of course, points on which we should have been glad of some further assistance; for instance, as to the wonderful "omnibus" summons. As to this we are told (page 301) that "taking the terms of the rule with the form of order, it appears to be contemplated that if further directions, which cannot be conveniently given on the first hearing, are required, the summons will be adjourned, with, if necessary, liberty to either party to apply on notice." The editors might When the first edition of Mr. Justice Wilson's work appeared we

THE JUDICATURE ACTS AND RULES, 1873—1883, AND THE STATUTES AND ORDERS RELATING TO THE PRACTICE OF THE SUPREME COURT OF JUDICATURE, WITH NOTES. By WYNNE E. BAXTER, Solicitor. FIFTH EDITION. Butterworths.

This edition of the new rules is extremely handy and convenient in form. The editor carefully explains in the case of each rule whether it is new or merely an alteration of an old rule, and the nature of the alteration made. The notes we have examined are accurate as regards references, sensible and free from padding, and they contain a very great deal of practical information in a wonderfully small compass. There is a full index.

AN ANALYTICAL INDEX AND DIGEST OF THE SUPREME COURT OF JUDICATURE ACTS AND RULES, WITH TABLES SHOWING THE SOURCES FROM WHICH THE NEW RULES ARE DERIVED, THE MODE IN WHICH THE REPEALED STATUTES ARE DEALT WITH, AND THE NEW PROVISIONS IN THE NEW RULES. SECOND EDITION. By FRANK R. PARKER, Solicitor. W. Clowes & Sons, Limited.

This is a very valuable addition to the numerous editions of the new rules. The author gives first a table showing the sources from which the new rules are derived, giving the number of the new rule, extent of alteration, and former enactment or rule. Then follows a similar table showing the mode in which the repealed or superseded statutes, rules, &c., are dealt with by the new rules; and, lastly, there is a most copious index to the new rules, occupying 350 pages, extremely well printed and handy for reference.

### FORMS OF INDORSEMENTS.

FORMS OF INDORSEMENTS OF WRITS OF SUMMONS, PLEADINGS, AND OTHER PROCEEDINGS IN THE QUEEN'S BENCH DIVISION. BY GRORGE BAUGH ALLEN, Special Pleader, and WILFRED B. ALLEN, Barrister-at-Law. Stevens & Sons.

The name of the elder of the two authors of this work is, of itself, a sufficient guarantee to the profession of its value and utility. A

work on pleadings under the new rules by a gentleman who combines an exceptional experience of pleading under the various preexisting systems, with the special qualification of having himself
assisted in framing those rules, can hardly fail to be a most excellent
handbook and guide to those who are called upon to frame indorsements and pleadings under the new system.

The work bears, to some extent, a resemblance to the well-known
collection of precedents by Messrs. Bullen and Leake, in so far that
concise notes are appended to many of the forms containing citations
of some of the leading authorities with regard to the law on the
subject-matter of the particular form. A great proportion of the
forms are, of course, the forms given in the schedules to the new
rules, which, no doubt, were framed by Mr. Allen himself in
the first instance; but there are other forms added which will,
doubtless, prove serviceable, particularly forms of statements of claim
to be specially indorsed on the writ under ord. 3, r. 6, a considerable variety of which have been given by the authors on the assumption that it may frequently be necessary to prepare this class of
indorsement without the assistance of counsel. The book likewise
contains an introduction giving a short sketch of the alterations
introduced by the new rules, and forms of proposed admissions and
interrogatories; it is of very handy size and shape, and, altogether,
we should think is a work which will be very useful to most legal
practitioners. practitioners.

#### CONVEYANCING.

A COMPENDIUM OF PRECEDENTS IN CONVEYANCING, COMPRISING THE FORMS REQUISITE IN ORDINARY PRACTICE, WITH PRACTICAL NOTES. By THOMAS KEY and HOWARD WARBURTON ELPHIN-STONE, Barristers-at-Law. SECOND EDITION. Two vols. William Maxwell & Son.

Maxwell & Son.

When the first edition of this book was issued we expressed an opinion that, so far as we could judge from an examination of it, it was likely to stand the test of actual use, and to be found of great value. We are now able to speak with some confidence as to this from having constantly used several parts of the work during some years. It is, in our opinion, both in design and execution, for many purposes, beyond all comparison the most convenient book of precedents in existence. The nature of the authors' scheme is well-known—it is to preface the precedents under each head with a large number of variations in the different parts of the instrument. Thus, under "Conveyancing" there are given a large number of forms of recitals, parcels, and so on, and under the subsequent precedents references are given to the particular form or forms which may be adopted. No one who has not used the book can imagine the convenience of this system. In preparing wills in particular the arrangement is an immense saving of labour. The new edition appears to us to be admirably edited. Many precedents are added, and the whole are carefully revised. The plan of the authors is to adopt such of the alterations effected by the Conveyancing Act as are of real value, and we have observed no instance in which we are disposed to disagree with their judgment on this matter. But it is in the notes that we observe the greatest improvement. They are very concise, but full of matter of practical value. We need only refer to the note at p. 147 of vol. 2, on the "points requiring to be attended to in connection with bills of sale by way of mortgage." A clearer or more useful summary could not, we think, be imagined. We find everywhere care, accuracy, and anxiety to meet the difficulties of the practitioner. We imagine that before many years are over Key and Elphinstone will fill the place Davidson has so long held on conveyancers' shelves. When the first edition of this book was issued we express

HAYES AND JARMAN'S CONCISE FORMS OF WILLS, WITH PRACTICAL NOTES. NINTH EDITION. By J. W. DUNNING, Barrister-at-Law. Henry Sweet.

The present edition of this well-known book has been carefully revised, and we have found all the recent cases added in the notes we have consulted, but there is no important change calling for a lengthened notice. It is hardly necessary to say that there are few more useful books for the practitioner.

There is no foundation for the reports published in the provincial papers that Mr. Charles Russell, Q.C., M.P., has relinquished his practice on the Northern Circuit.

The Morning Past announces that on Tuesday "the Lord Chief Justice held a consultation with Mr. Charles Russell and other leading members of the bar in his private room at the Royal Courts of Justice with reference to the differences in the procedure in the High Courts of Justice in England and America. It is understood that one of the points discussed was the admission of solicitors to practise in the superior courts,"

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# CORRESPONDENCE.

#### SMITHERMAN v. THE SOUTH-EASTERN RAILWAY COMPANY.

[To the Editor of the Solicitors' Journal.]

Sir,-This case has hitherto escaped notice in the ordinary law reports, because it has been considered, throughout the litigation of nearly five years, there was no point of law in dispute, and no principle of any importance involved. It is otherwise, however, since the delivery of the considered judgment of Lord Blackburn, reported verbatim in the Times of the 17th of July, 1883, for it can be shown, as I believe, without a doubt, that, from the omission of his lordship, as well as of his colleagues, Lord Selborne, Lord Watson, and Lord Fitzgerald, to notice the provisions of section 33 of the Common Law Procedure Act, 1854, the final court of appeal has decided erroneously in ordering a new trial.

My contention is, that the Lords, in giving their decision against the plaintiff, upon a ground which was not stated upon the record, and which was not a matter upon which the appeal was made to, or and which was not a matter upon which the appeal was made to, or could be entertained by, them, were in error, and were overriding the distinct provisions of an Act of Parliament. I am supported in my contention by the remarkable fact that, neither in the Divisional Court, upon the argument upon the rule, nor in the Court of Appeal, nor in the House of Lords did the Attorney-General, nor any of the eminent counsel who appeared for the defendants, ever suggest the ground upon which the Lords based their decision, and it is certainly a strange and unusual fact, but nevertheless true, that Mr. Bargrave Deane as counsel for Mrs. Smitherman had no corporaturity afforded Deane, as counsel for Mrs. Smitherman, had no opportunity afforded him of knowing or discussing in argument before their lordships the only ground upon which they decided against his client.

Lord Blackburn reviewed the law as it has affected applications for

thus to travel out of the record. The view of his lordship appears to have been a correct one up to the passing of the Common Law Procedure Act, 1854, section 33 of which provides:—"In every rule nisi for a new trial, the grounds upon which such rule shall have been granted shall be shortly stated therein." The note in Day's Common Law Rock and the shall have been granted shall be shortly stated therein. Law Procedure Acts on this section (4th ed., p. 285) is as follows: "In some cases, application to set aside proceedings, on the ground of irregularity—for instance, a rule nisi—cannot be supported or made absolute upon a ground different to that stated therein: Smith made absolute upon a ground different to that stated therein: Smith v. Clark, 2 Dowl. 218; Doe d. Fish v. McDonnel, 8 Dowl. 488. The court, in other cases, and especially applications for a new trial, has not hitherto been bound by the terms of the rule, but has moulded it to meet the justice of the case: Bate v. Kenney, 1 C. M. & R. 38; Doe d. Stephens v. Lord, 7 Ad. & E. 610; Higgins v. Nichols, 7 Dowl. 551. The grounds on which a rule nisi was granted were not, in these cases, specified in the rule itself."

The appellants in the Smitherman case chose their own ground, which was stated in the rule nisi—namely, that the verdict for the plaintiffs was against the weight of evidence—and the Divisional and Appeal Courts confined themselves to this ground in the argument.

Appeal Courts confined themselves to this ground in the argument

upon the rule siss.

Their lordships held that the counsel for the appellants had not satisfied them that a verdict for the plaintiff was so upreasonable or contrary to the evidence as to make it proper for them to order a new which contrary to the evidence as to make it proper for them to order a new trial on that ground. Therefore, upon the only ground upon which the appeal to the House of Lords for a new trial was based by the appellants they failed, and Mrs. Smitherman was successful in supporting the successive judgments of the Divisional Court and Court of Appeal. She was also successful in supporting the other decision of the Court of Appeal. The House of Lords affirmed the judgment of the Court of Appeal that the appellants were not entitled to have the judgment entered for them upon the finding of the jury. Therefore, in both the appeals which were argued before the House of Lords Mrs. Smitherman was successful.

The House of Lords thought, however, they had power to discover a ground against her not stated in the rule, not suggested by counsel,

a ground against her not stated in the rule, not suggested by counsel, and upon which no argument had been heard or invited. Lord and upon which no argument had been heard or invited. Lord Blackburn says, speaking of the ancient common law, "Now, I think no doubt was ever entertained, at least I am not aware of any case in which any was expressed, that the court, in considering whether the verdict was satisfactory or not, looked at everything bearing on the conduct of the jury up to the time when the verdict was finally taken. If by consent of the parties anything was reserved for the court, that was to be determined by the court, but whether it was reserved or not could not prevent the court from considering how the verdict on other points was obtained, and whether it was reserved or not contain not prevent the considering how the verdict on other points was obtained, and whether it was satisfactory or not"; and further on in the judgment he adds, "No change is, as far as I can perceive, made in the nature of that jurisdiction."

His lordship seems to think it was considered by the courts he was overruling that orders 39 and 40 under the Judicature Acts had

altered the old common law, and he proceeds to dissipate this imagined view by argument which no one would think of controverting. At the sau the Act of 1854. At the same time, he appears to have overlooked section 33 of

I have written this letter, not for the purpose of exciting sympathy, but as a solicitor who is deeply impressed with the belief that, to the profession, the judgment of Lord Blackburn, overriding as it does, the plain provisions of the 33rd section of the Common Law Procedure Act, 1854, is worthy of attention and discussion. There is no appeal, and though it has not yet been reported in any law reports that I am aware of, the case of Smitherman v. The South-Eastern Railway Company is now an authority for this important proposition: that notwithstanding the 33rd section of the Common Law Procedure Act, 1854, the grounds of appeal stated by a party Law Procedure Act, 1854, the grounds of appeal, stated by a party upon an application for a new trial, and upon which a new trial is refused, may be varied upon appeal to the Court of Appeal, and varied again on appeal to the House of Lords. In other words, there is no longer any meaning in the words of the section "the grounds shall be stated."

W. SOUTH NORTON, Solicitor for Mrs. Smitherman.

Town Malling, Kent, Nov. 5.

### THE NEW RULES OF COURT.

[To the Editor of the Solicitors' Journal.]

-To-day, for the first time, I have been called upon to advise under the new rules of the Supreme Court, and I regret to say that, on this very first test, I have found them wanting in reasonable on this very first test, I have found them wanting in reasonable consistency. By ord. 19, r. 13, every allegation of fact (with exceptions immaterial to my present purpose) if not denied specifically, or by necessary implication, or stated to be not admitted, &c., "shall be taken to be admitted;" while, by ord. 27, r. 13, whenever the pleadings are closed by simple default, "all the material statements of fact in the pleadings last delivered shall be deemed to have been denied and put in issue.

I suppose the courts will probably hold, for convenience, that the later rule is to be considered as embodying an exception to the general principle laid down earlier; but, as there is nothing in the rules of the Supreme Court to show this, it behoves us to be on our

November 2.

### THE NEW PRACTICE.

# ADMINISTRATION ACTIONS.

It will be seen that in Lane v. Lane, reported below, Mr. Justice North has held that the powers of rule 10 of order 55, which dispense with the necessity of a judgment or order for administration, if the questions between the parties can be properly determined without such judgment or order apply, to actions for administration commenced before the new rules came into operation, and he referred an action so commenced to chambers, to be dealt with there.

### NEW TRIAL IN ACTION REMITTED TO COUNTY COURT.

WHAT is the mode of obtaining a new trial in the case of an action WHAT is the mode of obtaining a new trial in the case of an action remitted for trial to a county court under the County Courts Act, 1856? This question arose incidentally on Monday last in the Queen's Bench Division. Ord. 39, 1, does not apply to such a case; London v. Roffey (26 W. R. 79); and ord. 52, r. 2, has abolished any motion or application for a rule nist in any action. The court, on the whole, seemed to think that under ord. 39, r. 3, the application would have to be by notice of motion, with this curious result, that, as rule 4 of that order did not apply, there was no limit of time within which such notice of motion must be given.

#### DEFAULT IN REPLYING TO COUNTER-CLAIM,

A CORRESPONDENT says:—On perusing the new rules I find that a question of considerable difficulty is likely to be raised in the very simple case of default being made by the plaintiff in delivering a reply to a counter-claim. The material rules bearing upon the subject are those numbered 211, 213, 214, 239, 244, 276, 279, 280, 304, and 306. On the whole I incline to think that their effect is that the defendant may set down the action on motion for judgment, and that he will obtain such judgment as upon the counter-claim the court may consider him entitled to. This conclusion, however, is only arrived at in a very roundabout manner, and by giving to some of the above-mentioned rules an effect very different from the primary meaning of their words. We have to take first of all number 279, which runs:—

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passing, that this rule certainly involves one curious result, namely, that a plaintiff has twenty-one days to reply to a simple defence (r. 276), while this rule restricts his time for replying to a counterclaim to ten days, that being the time limited for putting in a statement of defence (r. 239). The ease, however, with which extensions of time for pleadings are granted may prevent any injustice from being wrought by this rule. being wrought by this rule.

I return now to my principal point. In order to arrive at the conclusion mentioned above, we must read rule 279 to imply that the effect of non-delivery of a reply to a counter-claim shall be the same as that of non-delivery of a defence to a statement of claim. This, then, brings us to rule 304, which is in the following words:—"In all other actions than those in the preceding rules of this order mentioned, if the defendant makes default in delivering a defence, the

"Where a counter-claim is pleaded, a reply thereto shall be subject to the rules applicable to statements of defence." I may remark, in passing, that this rule certainly involves one curious result, namely,

mentioned, if the defendant makes default in delivering a defence, the plaintiff may set down the action on motion for judgment, and such judgment shall be given as upon the statement of claim the court or a judge shall consider the plaintiff to be entitled to."

We must consider that this rule also enacts that if the original plaintiff makes default in delivering a reply to a counter-claim, the original defendant may set down the action on motion for judgment, and such judgment shall be given as upon the statement of counter-claim the court or a judge shall consider the original defendant to be entitled to—that is to say, we must read plaintiff as including plaintiff in a counter-claim, and defendant, defendant to a counter-claim. I do not conceal from myself that this is a stretch of the natural meaning of the words, particularly when rule 244 abolishes the practice of adding a counter-title to the action when a counter-claim is confined to a claim for relief against the original plaintiff alone. I think, however, that the result I have indicated above is correct, from seeing much greater difficulties attending any other conclusion; for, if this however, that the result I have indicated above is correct, from seeing much greater difficulties attending any other conclusion; for, if this result is not correct, then we must have recourse to rule 280, saying that if default is made as mentioned in rule 306, the pleadings shall be deemed to be closed. And then rule 306 proceeds as follows:—
"If the plaintiff does not deliver a reply, or any party does not deliver any subsequent pleading within the period allowed for that purpose, the pleadings shall be deemed to be closed at the expiration of that period, and all the material statements of fact in the pleading last delivered shall be deemed to have been denied and put in issue." It will be seen that this is the very reverse of the old rule (ord. 29, r. 12) relating to the same subject, which enacted that under these circum-

obligatory on the court or a judge to pronounce or make a judgment or order, whether on summons or otherwise, for the administration of any trust or of the estate of any deceased person, if the question between the parties can be properly determined without such judgment or order." In the present case the action was commenced in 1882 for the administration of the real and personal estates of a testator who died in 1876. One of the executors and trustees was a plaintiff; the other was a defendant; each of them being also beneficially interested. The pleadings showed that several questions as to the administration of the estate had arisen between the parties. There was also an infant plaintiff, who was beneficially interested under the will. Notice of trial was given on October 2, 1883, and when the case came on for trial, a judgment for the general administration of the estate was asked for, according to minutes to it which had been agreed upon. North, J., declined to accede to the application without further inquiry. He said that he could see no reason for granting a general administration simply because the action had been commenced before the new rules had come into operation. So far as he could see at present the questions which had arisen might be determined with a general administration of the estate. He should, therefore, refer the action to chumbers to be dealt with there; and, if a general administration was necessary, it could be granted there. His lordship, however, on the consent of the parties, made an immediate appointment of a receiver.—Solicitors, Lempriere, Hamond, § Browne; Merediths, Roberts, § Mills.

ORD. 55, R. 2—APPLICATION MY PRITTION FOR INVESTMENT OF MONEY PAID INTO COURT UNDER LIANDS CLAUSES ACT.—In Experte The Mayor of London and the East Kent Railway Act, 1853, an application was made to Kay, J., on the 3rd inst., by petition, for the investment of a sum of money paid into court under the Lands Clauses Act in respect of land purchased by a railway company. Ord. 55, r. 2, of the new Rules of Court directs that applications of this kind shall be made by summons in chambers. Counsel for the petitioners submitted that, as the Lands Clauses Act expressly directs that these applications are to be by petition, the rule of court otherwise directing, being contrary to the Act of Parliament, is in excess of the jurisdiction of the learned judges who framed the new rules, and accordingly inoperative. Counsel for a respondent said he should contend that the rule was operative, and that the application ought to be by summons. Kay, J., said that the question was a very serious one, and directed, at the request of counsel, that the matter should stand over until next week.

"If the plaintiff does not deliver a reply, or any party does not deliver any subsequent, leading within the period allowed for that purpose, present and all the material statements of fact in the pleading last delivered shall be deemed to have been denied and put in issue." It will be seen that this is the very reverse of the old rule (ord. 29, r. 12) relating to the same subject, which enacted that under these circums stances the statements of fact in the last pleading should be deemed to be admitted. (See Lunsden v. Winter, L. E., S.Q. B. D. 650.) It appears one that the rimers of the new rules have not taken sufficient care to provide for all the consequences of this momentous changes. They can never have the consequences of this momentous changes. They can never have the consequences of this momentous changes. They can never have the consequences of this momentous changes. They can never have the consequences of this momentous changes. They can never have the consequences of this momentous changes. They can never have the consequences of this momentous changes. They can never have the consequences of this momentous changes. They can never have the consequences of this momentous changes. They can never have the consequences of the state the plaintiff of grounds of defences, and to deal special to find the consequences of the state the plaintiff of grounds of defences, and to deal special to find the consequences of the results and property in the first part of the consequences of the results and property in the first part of the consequences of the state the plaintiff of grounds of defences, and the state of the plaintiff of grounds of the application; and the state of the plaintiff of the point calls for a decision. But, in the meantime, I will offer two bits of advice—one to plaintiff and the point calls for a decision. But, in the meantime, I will offer two bits of advice—one to plaintiff and the point calls for a decision. But, in the meantime, I will offer two bits of advice—one to plaintiff and the pr

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such a case, though it might include other cases. But his lordship declined to dismise the motion, and ordered it to stand over until he should have heard the defendant's summons for enlargement of time.—Solicitors, G. H. Carthew; R. Blackett Jones.

AFFIDAVIT MARKED WITH NAME OF WRONG JUDGE-POWER OF COURT TO RECEIVE—Onc. 38, E. 14.—In a case of Harlock v. Ashberry, before North, J., on the 2nd inst., a motion was made to make an order for foreclosure J., on the 2nd inst., a motion was made to make an order for foreclosure absolute. The affidavit in support of the motion was by mistake marked with the name of Fry, J., instead of that of Pearson, J., to whom the action had been transferred when Fry, J., was promoted to the Court of Appeal. The plaintiff's counsel asked that, notwithstanding this error, the affidavit might be received. Norm, J., referred to the new rule 14 of order 38, which provides that "the court or a judge may receive any affidavit sworm for the purpose of being used in any cause or matter, notwithstanding any effect by misdescription of parties or otherwise in the title or jurat, or any other irregularity in the form thereof, and may direct a memorandum to be made on the document that it has been so received," and said that he thought that rule applied to an error of this kind.—Solicito, T. H. Bartlett.

### JUDGES' CHAMBERS.

(Before FIELD, J.)\*

Oct. 30 .- J. & E. Hall v. Liardet.

Obtaining leave for Interrogatories—Statement as to proposed nature of—Ord. 31, rr. 1, 2, 6, 7 (rr. 313, 344, 348, 349).

This was a summons taken out by the plaintiff to deliver interrogatories in an action for the price of work and labour done in constructing certain models. The statement of defence denied the defendant's liability, and counter-claimed in respect of the negligent performance of the work. Upon the hearing of the summons before Master Pollock, the defendant took the objection that he had not been served with a copy of the pro-posed interrogatories, and that that was a necessary preliminary to obtaining leave. The master referred the question to the judge.

English Hurrison, for the plaintiffs.—If this objection were to prevail, the costs would have been unnecessarily incurred in the preparation and service of copies of the proposed interrogatories in every case in which leave to interrogate was refused.

Baker, for the defendant.—Under rule 1 of order 31 there are two classes of interrogatories—one with, and the other without leave. Where no leave is necessary, rules 6 and 7 of the same order apply; but where leave is necessary, the interrogatories are to be gone into upon the application

The other arguments on both sides are noticed in the judgment.

Figure J.—This was a summons for leave to deliver interrogatories under rule 1 of order 31, referred to me by the master. The objection was taken before the master that leave ought not to be given, because the party applying had not, with the service of the summons, delivered to the opposite party a copy of the proposed interrogatories. This was said to be necessary—first, because the language of rule 1 of order 31 involves the exercise of a discretion by the judge as to each specific interrogatory; and, secondly, in order to enable the party sought to be interrogated to decide whether he would make any offer within rule 2 of the same order. There is no doubt but that rule 1 does render necessary the leave of the judge for the delivery of interrogatories, and that, for the purpose of deciding whether such leave should be given, the judge must have before him some statement as to what is the nature of the proposed interrogatories; but I think that that necessity will be amply satisfied by the ordinary statement made by the party applying of the nature of the section, of the issues involved, and of the general scope and object of the proposed interrogatories. If, upon that statement, it appeared that they would be irrelevant, or that the matters intended to be inquired after were scandalous, or came under any of the objections enumerated in rules 6 and 7 of order 31, the judge would no doubt exercise his discretion by refusing to allow any interrogatories to be administered in order to the contract of the contr Freed, J.—This was a summons for leave to deliver interrogatories tion by refusing to allow any interrogatories to be administered in order to avoid expense. But rules 6 and 7 distinctly point out that, after interrogatories have been delivered in pursuance of the order, any one of interrogatories have been delivered in pursuance of the order, any one of them may be objected to by the party required to answer, and, upon a fresh application for that purpose, to the same or another judge, struck out; and it is not, I think, the intention of the rules that one judge should exercise his discretion in specially allowing a particular interrogatory, and that another judge should subsequently exercise his in disallowing the same interrogatory. The Form No. 4 in App. V. of an order for directions, pursuant to order 30, provides for leave to deliver interrogatories by the plaintiff and defendant to each other; and this strongly supports the contention that it cannot be intended that leave is not to be given until a copy of the proposed interrogatories has been served on the other side. To hold otherwise would compel the party applying to have the interrogatories prepared and served upon the opposite party, and in a country case to send a copy into the country, thus examing additional expense; and one of the principal objects of the new rules is to decrease the costs of litigation. I am, therefore, of opinion that it is not necessary before the heuring of a summons for leave

to deliver interrogatories to serve the opposite party with a copy of the proposed interrogatories

Summons referred back to master.

Solicitors for the plaintiffs, Freehfelds & Williams. Solicitors for the defendant, Donnithorne & Even.

Nov. 2.—Compagnie, &c., du Pacifique v. Guano Company.

Discovery-Security for costs of-Ord. 31, rr. 25, 26 (rr. 367, 368).

This was a summons taken out by the plaintiffs, asking that security for the costs of certain interrogatories, which they had obtained leave to administer, might be dispensed with.

\*Follard, for the plaintiffs,—The judge has a discretion to dispense with security for the costs of discovery. This is a proper case in which to exercise that discretion, as the plaintiffs, being a foreign corporation, have already been compelled to give security for costs; and if the amount for which they have been compelled to give security was found at any time to be insufficient the defendance could amply for further security. \*\*Resulting\*\*

already been compelled to give security for costs; and if the amount for which they have been compelled to give security was found at any time to be insufficient, the defendants could apply for further security: Republic of Costa Rica v. Erlanger, L. R. 3 Ch. D. 62. Moreover, E. v. have interrogated us without giving any security; and, but for their deap, we should have interrogated them before the rules came into operation. The application of this rule to a case where the party seeking discovery has already given security, and has himself been interrogated without the other side having deposited anything, would be a hardship.

Shiress Will, for the defendants.—Issue was joined in this action in December last, and the plaintiffs only now seek to interrogate us.

Finip, J.—By rule 25 of order 31, the costs of discovery are to be secured in the manner provided by rule 26, "unless otherwise ordered by a court or a judge." There is no doubt, therefore, that there is power to dispense with security for the costs of discovery; but the rule is not to be set aside at the mere inclination of the judge. The general principle of the rules is, that a person seeking discovery is to give security for the costs of it. The object is to put a check on applications for discovery, and that a sort of pledge should be given that it is really required. In the case of a very poor man, who had a bond fide claim for a large amount, I might possibly dispense with this requirement. But the party seeking discovery in this case is a foreign corporation. Mr. Pollard says that that should not tell against his application; but it is an incident to be taken into consideration. Then it is said that the plaintiffs should be relieved from giving this security, because they have already given security for the costs of the retire well that the plaintiffs should be relieved from giving this security, because they have already given security for the costs giving this security, because they have already given security for the costs of the action; but that fact does not prevent this rule from applying. To hold that it did would be to exempt foreigners from the operation of the rule. Then Mr. Pollard says that the defendants have had discovery without giving security, and have thrown the plaintiffs over to the 24th of October, thereby bringing him under the operation of these rules. I cannot take that into consideration in deciding whether the plaintiffs are to be relieved from giving security. I can make no order upon this

No order; costs reserved. Solicitors for the plaintiffs, Freshfields & Williams. Solicitors for the defendants, C. & T. Harrison.

Nov. 5 .- Law and Lindsay v. Budd.

Discovery-Security for costs of-Affidavit of ship's papers-Ord. 31, rr. 25, 26 (rr. 367, 368).

rr. 20, 26 (rr. 367, 368).

This was a summons by the defendant for ship's papers, referred to the judge by Master G. Pollock, upon the question whether security for the costs of discovery must be given before obtaining the usual order for an affidavit of ship's papers.

It was argued on behalf of the defendant that an order for an affidavit of ship's paper was not an order for discovery within order 31; that Form No. 8 in App. B. was not applicable to an affidavit of ship's papers; that this particular discovery was allowed before the courts of common law could give any other kind of discovery; and that, as an underwriter is always entitled to see ship's papers, an application for an order for that purpose could never be frivolous.

The case of China, &c., Company v. Commercial, &c., Company (L. R. 8)

purpose could never be frivolous.

The case of China, &c., Company v. Commercial, &c., Company (L. R. 8 Q. B. D. 142) was referred to.

Firing, J.—I am quite clear that rules 25, 26, of order 31 do not apply to an order for ship's papers. There is no doubt that an affidavit of ship's papers is a form of discovery upon oath; but discovery in those rules must read be as meaning such discovery as has been referred to in the previous rules of the same order—that is, as regards documents—in rules 12, 13. The intention is that the rule shall apply to cases where the leave of the judge has to be obtained. As regards an affidavit of ship's papers, that leave is obtained as a matter of course. Looking at the fact that long before discovery was heard of in the common have curts, those courts granted orders for ship's papers, and at the other distinctions that have been pointed out between those orders and ordinary orders for discovery, I am of opinion that no security for costs is necessary before obtaining an order for an affidavit and production of ship's papers.

Order made.

Solicitors for the defendant, Hollams, Son, & Coward. Solicitors for the plaintiffs, Waltons, Bubb, & Walton.

In Mosley v. Insurance Co., 55 Vt. 142, it was held the court would not take judicial notice that gin and turpentine are inflammable. That court, says the Albany Law Journal, is too modest.

<sup>\*</sup> Reported by A. H. Berringrow, Esq., Barrister-at-Law.

# CASES OF THE WEEK.

PRACTICE—STAYING PROCEEDINGS—Non-PAYMENT OF COSTS OF PREVIOUS ACTION.—In a case of Martin v Earl Beauchamp, before the Court of Appeal on the 5th inst., a question arose as to staying the proceedings in an action, on the ground that the costs of a former unsuccessful action by the plaintiff against the same defendants had not been paid. In 1859 the personal representative of B. instituted a suit in the Court of Chancery against the administrator of one J. for an account of the personal estate of the intestate received by the defendant. The bill allaged that B. was the sole next of kin of the intestate. The suit was afterwards revived by the plaintiff in the present action, who had then become the personal representative of B. In 1880 the bill was dismissed with costs, on the ground that the plaintiff had failed to prove the alleged title of B. The plaintiff afterwards obtained a grant of letters of administration of J., for an account of J.'s personal estate received by him. The costs of the former action had not been paid by the plaintiff. On the application of the defendant, Pearson, J., ordered a stay of the proceedings in this action until the costs of the former suit had been paid. The Court of Appeal (Corron and Linduxy, L.J.) affirmed the order, holding that, notwithstanding the technical difficulty that the plaintiff in the former suit and the plaintiff in the present action were suing in different representative characters, the action was, in substance, brought for the same purpose as the suit, and the ordinary rule applied, that a plaintiff would not be allowed to proceedite a second action until the had paid the costs of a former unsuccessful action for the same object.—Solutorons, Harper & Battock; Walford.

PRACTICE—ADMINISTRATION ACTION—CONDUCT OF PROCEEDINGS. — Two ACTIONS BY DIFFERENT PLAINTIFFS.—In a case of Foster v. Devies, before the Court of Appeal on the 6th inst., a question arose as to the conduct of an administration action. Two actions were brought by different creditors for the administration of the estate of a deceased trader who had carried on business in partnership. The first action was brought by a joint creditor of the firm; the second was brought by a separate creditor of the deceased partner. The plaintiff in the second action first obtained an administration judgment, and the plaintiff in the second action asked that the conduct of the proceedings might be given to him in accordance with the ordinary practice in such cases. The court (Corron and Lindustry, L.JJ.) held that the plaintiff in the first action, being only a joint creditor, could not maintain an action to administer the separate estate of the deceased partner, and consequently the case formed an exception from the ordinary rule as to the conduct of proceedings, and the conduct could not be given to him.—Soluctrons, Scoles & Co; H. Montagu; Williams & Burne; Allen & Edwards. Burne ; Allen & Edwards.

ENGLISH AND FORMON PATENTS—PATENT—LICENCE TO USE FORMON PATENT—RIGHT TO SELL IN ENGLAND—CIRCULAR—INJUNCTION.—In a case of La Société Anonyme des Manufactures de Glace v. Tilphuan's Patent Sand Blast Company, before the Court of Appeal on the 3rd inst., a question arose as to the effect of a licence given by the owner of two patents, an English and a foreign one, for the same article, to use the foreign patent for manufacturing the article in the foreign country, upon the right of selling the article in England. The defendants were the owners of an English patent and a Belgium patent for the same article. The defendants granted to the plaintiffs, who were manufacturers in Belgium, a licence to use the Belgium patent for the manufacturers in Belgium, a licence to use the Belgium patent for the manufacturer of the article at their manufactory in that country and not elsewhere. The plaintiffs sold the articles which they manufactured in Belgium under this licence in England as well as in Belgium and other foreign countries. The defendants, on discovering that the plaintiffs were selling the articles in England, issued circulars warning persons engaged in the trade that the importation into or sale in England of articles manufactured abroad by means of the defendants' patented process was an infringement of the defendants' English patent, and threatening to take legal proceedings against infringers. The plaintiffs claimed the right to sell anywhere (including England) articles which they had manufactured under their licence to use the Belgian patent, and threatening to take legal proceedings against infringers. The plaintiffs claimed the right to sell anywhere (including England) articles which they had manufactured under their licence to use the Belgian patent and they brought this action to restrain the defendants from issuing the circulars. Pearson, J., refused to grant an injunction, and his refusal was upheld by the Court of Appeal (Corrox and Landard Theolemanufactured under it in England.

Practice—Examination of Witness Arroad—Party to Action—Ordon-37, m. 5.—In a case of Nadin v. Basett, before the Court of Appeal on the 7th inst., a question arose as to the power of the court under rule 5 of order 37 to make an order for the examination abroad of a party to an action. Rule 5 provides that "the court or a judge may, in any cause or matter where it shall appear necessary for the purposes of justice, make any order for the examination upon cath before the court or judge or any officer of the court, or any other person, and at any place, or of any witness or person, and may empower any party to any such cause or matter to give such deposition in evidence therein on such terms, if any, as the court or a judge may direct." The plaintiff claimed, as helr-at-

law of a deceased brother, to recover land of which the defendant was it possession. The plaintiff was resident in New Zealand, where he had gone twenty-thure years ago, and had not been heard of by his family for twenty-three years Meanwhile his brother had died, and the land in question had been sold and conveyed to the defendant by the person who would have been the brother's heir if the plaintiff was dead, as his family supposed that he was. The sale was made expressly subject to any claims by the brother who had gone to New Zealand. The defendant disputed the identity of the plaintiff. The plaintiff obtained at chambers an order appointing two gentlemen in New Zealand. The defendant disputed the identity of the plaintiff. The plaintiff, of two persons mentioned by name, "and of other persons residing in New Zealand," on behalf of the plaintiff; that the depositions so to be taken should be filed; and that either party should be at liberty to give them in evidence at the trial of the action, swing all just exceptions. This order was asked for merely on the ground of a saving of expense, and it was not shown that it would be impossible for the plaintiff to come to England to be examined at the trial of the action. The defendant applied to Kay, J., in court to discharge the order. His lordship refused to discharge the order, but added to it a direction that it was to be without prejudice to the right of the defendant to cross-examine the plaintiff at the trial of the action. It was contended that order 5 gave the court no power to make such an order in the case of a party to the action, and also discharged or that, at any rate, the plaintiff might be excluded from its discharged, or that, at any rate, the plaintiff might be excluded from its discharge the process. The court of Appeal (Corrors and Linxus, L.J.), affirmed the decision of Kay, J., in substance, making a slight variation in the order. Corrors, L.J., was of opinion that the first objection could not prevail. Of course the question whether justice

Legacy—Revocation—Legacy to Executor on Condition of his proving Will.—Administration Action.—Department Trusted — Bankeuffry—Costs.—In a case of Walse v. Hill, before North, J., on the 8th inst., a question arose as to the revocation of a legacy. The testator, by a codicil to his will, appointed T. one of his executors and trustees, and bequeathed to him the sum of £500, on condition that he should prove the will and codicil. By a subsequent codicil the testator revoked the appointment of T. as executor and trustee, but did not expressly revoke the legacy of £500 to him. The question was whether T. could take the £500. It was contended that he could, broause the testator himself had, by revoking the appointment as executor, rendered it impossible that T. should perform the condition, and must, therefore, be taken to have released it. Norwa, J., declined to accede to this view, and held that the legacy was revoked. He thought the legacy was given to T. on condition that, and because he was to prove the will. The appointment as executor and the legacy were to stand or full together, and the revocation of the appointment carried with it the revocation of the legacy also. His lordship had a strong impression that the very same point had been so decided by Lord Romilly, M.R., but he had been unable to find a report of the case.

Another point arose as to the costs which ought to be allowed in an administration action to a defaulting trustee who had become a bankrupt under the Bankruptcy Act, 1869, since the commencement of the action. In Levis v. Treat (L. R. 21 Ch. D. 862), North, J., held that in such a case, the debt arising out of the broach of trust not being discharged by a discharge of the bankrupt under the Bankruptcy Act, 1869, the zustee ought not to be paid any costs of the action until he had made good his default. In the subsequent case of Clave v. Clave (L. R. 21 Ch. D. 865),

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Hall, V.C., declined to follow Lewis v. Trask, and adhered to the practice before the Bankruptcy Act, 1869, of allowing the trustee to receive costs incurred subsequently to his bankruptcy. In the more recent case, Hannay v. Basham (L. R. 23 Ch. D. 195), Chitty, J., followed Lewis v. Trask in preference to Clare v. Ulare, and on the present occasion NORTH, J., decided in accordance with Hannay v. Basham, and his own previous decision in Lewis v. Trask.—Solicitors, Bolton, Robbins & Busk; Hill, Son,

PRACTICE—ACTION FOR SLANDER—PARTICULARS—NAMES OF THE PERSON TO WHOM THE SLANDER WAS UTTERED.—In the case of Bradbury v. Cooper which came before a divisional court (Grove and A. L. Smith, JJ.) on the which came before a divisional court (Grove and A. L. Smith, JJ.) on the 5th inst., the plaintiff, in his statement of claim, alleged that one Charles Timson, at the request and by the direction of the defendant, falsely and maliciously spoke and published of and concerning the plaintiff in relation to his business certain defamatory words. The master and the judge at chambers, on the application of the defendant, ordered the plaintiff to deliver particulars of the name or names of the person or persons to whom the alleged slander was uttered, and the place at which such slander was uttered. On appeal by the plaintiff against this order, the Court affirmed the decision, Grove, J., saying that as the slander was alleged to have been uttered by a third person at the instigation of the defendant, the defendant was entitled to know before going to trial to whom that third person was alleged to have uttered it; and A. L. Saute, J., holding that the particulars asked for were particulars of a material fact in the case, and not particulars of the evidence in support of that fact, as in the case of and not particulars of the evidence in support of that fact, as in the case of Eade v. Jacobs (26 W. R. 159).—Solicarons, S. B. Somerville, for Thomas Phillips, Llandovery; A. R. Chamberlayne.

Company—Winding up—Inability to pay Debts—Evidence—Companies Act, 1862, s. 80.—In a case of In re The Yate Collieries and Lime Works Company, before North, J., on the 3rd inst., a question arose as to the evidence of the inability of a company to pay its debts, with reference to the provisions of section 30 of the Companies Act, 1862. A petition to wind up the company was presented by a creditor who had recovered judgment for a sum of less than £50. He had not, however, issued execution on his judgment, because he had been informed by the company's assets, and that there was nothing on which execution could be levied. The company did not appear in opposition to the petition. Norm, J., on the authority of In re The Regataf Silver Mining Company of Utah (L. R. 20 Eq. 268), held that there was sufficient evidence of the inability of the company to pay its debts, and made a compulsory windingup order.—Solicitors, Best, Webb, & Templeton.

# SOLICITORS' CASES. HIGH COURT OF JUSTICE,

(Before Maniery and A. L. SMITH, JJ.) Nov. 3 .- In the Matter of John Richardson, a Solicitor.

This was an application against a solicitor to strike him off the roll, on This was an application against a solicitor to strike him off the roll, on affidavits stating these circumstances:—That, in 1880, the solicitor was employed by a client to settle a claim against his client in respect of the maintenance of a child, for which he was making periodical payments, which he desired to get rid of by a single payment. It had been agreed that he should pay £100 and be released from further charges, and the solicitor was instructed to carry out the arrangement, and, with that view, on the 5th of March, 1880, the client, having heard from him that the agreement was ready for completion, sent him £100 to be paid to the other side, and (as he swore) heard no more of the matter until the 21st of June, 1881, he was served with a writ in an action to recover arrears of the periodical payments, and it then turned out that the money had not been paid, and that the solicitor (as the client said he had confessed) had spent the money. Negotiations ensued, as a result of which the client been paid, and that the solicitor (as the client said he had confessed) had spent the money. Negotiations ensued, as a result of which the client paid the solicitor another sum of £100, and also a sum of £20 for the costs (of which the solicitor paid to the other side £100 and £8 for costs, retaining the residue), and the solicitor gave a bill for the first £100, which, however, had not been paid. The client applied to the Incorporated Law Society, and, on the 28th of November, £882, their secretary (Mr. Williamson) wrote to the solicitor for an explanation. He, on the 13th of Society, and, on the 28th of November, 1882, their secretary (Mr. Williamson) wrote to the solicitor for an explanation. He, on the 13th of January last, wrote a letter in reply, stating that in March, 1880, he had received the £100, which he said he was to pay over on the parties entering into an agreement, and that in April, 1880, he sent to his client a draft agreement, but that the other party claimed certain arrears which the client declined to pay; and that the matter stood over for some mouths, and in March, 1881, fresh negotiations took place, the end of which was that in January, 1882, the other side agreed to accept £100 and costs, and that on the 12th of January, 1882, he informed his client of this, and also that—for various reasons as he explained—he could not then pay the £100, and his client then consented to pay the £100 and £20 for the costs; and that he gave his client his acceptance at two months for the £100 he had previously received; that he had paid over the £100 and the costs, and had sent his client the agreement duly signed; that the bill was due on the 16th of March last, and that his client then consented to renew it; and that he not being agreement duly signed; that the bill was due on the 16th of March last, and that his client then consented to renew it; and that he not being able to pay it, his client consented that it should stand over, and that in September last his client began proceedings against him to recover the £100, and had in due course got judgment; and that he (the solicitor) intended to pay, and was making arrangements for payment. The present application was made on the part of the Law Society in June last, and the solicitor then said he had been ill, and asked for a postponement until the present sittings, which was allowed on condition of his filing affidavits in answer four days before these sittings, which he had not done, and now,

Clare, who had been his counsel, stated that he had not yet received his brief, but was told that he should receive it in an hour or so.

Wills, Q.C. (Garth with him), on behalf of the Incorporated Law

Society, said there really must be some limit to the indulgence allowed, and after four months' delay the solicitor could not ask any further time. He submitted that on the affidavits the case was clear—that the solicitor had spent his client's money.

The Court, after consultation, came to the conclusion that the solicitor

must be struck off the roll.

Grove, J., said that unfortunately these cases were of far too frequent occurrence—cases of solicitors receiving the moneys of their clients and applying it to their own use, the only excuse offered being other and more pressing liabilities. He felt very strongly that a man capable of so acting was not fit to be a solicitor, and it was important—as many persons were constantly obliged to act through solicitors and to intrust them with moneys constantly obliged to act through solicitors and to intrust them with moneys
—that this should be known and understood. The present appeared to be
a case of this character. The solicitor had received £100 to pay over to
another party and it was clearly his duty to pay it over, or, if anything
occurred to prevent it, then to return it, instead of which he had spent
the money and had given his client an acceptance which had not been
taken up, and was evidently worthless. It was necessary—not merely
with reference to the individual, but to the public—that it should be known
and understood that it was considered by the court that a man capable of
so acting was not fit to be on the roll of solicitors, and therefore the order
must be that this solicitor be struck off the roll. must be that this solicitor be struck off the roll.

A. L. Shith, J., said he entirely agreed in what his brother Grove had said, and he strongly felt that a solicitor who received money from his client to apply it to a certain purpose, and, without excuse or extenuation, misappropriated it and applied it to his own use, was not fit to be on the roll of solicitors, and ought to be struck off.

Order accordingly.—Times.

(Sittings at Niei Prine before Manisty, J., and a Special Jury.) Nov. 3, 5 .- Thompson v. Pearse and others.

This was an action brought to recover damages from a firm of solicitors for alleged negligence in the preparation of a mortgage deed.

Willis, Q.C., and Macdonell, appeared for the plaintiff.

Murphy, Q.U., and C. C. Macras, for the defendants.
On July 16, 1879, the plaintiff was the owner of the equities of redemption in certain freehold property in Harrold and Carlton, in the county of Beddond. The mortgage was on that day reconveyed in consideration of

tion in certain freehold property in Harrold and Carlton, in the county of Bedford. The mortgage was on that day reconveyed in consideration of the sum of £2,400 to certain trustees, to whom the plaintiff agreed to pay interest at the rate of five per cent. per annum, and to whom he was to give a power of sale. The defendants acted in regard to this mortgage as solicitors for both the plaintiff and the mortgagees, and the plaintiff case was that he had stipulated that the money then lent to him should not be called in except after six months' notice, whereas the mortgagees had been given a power of sale on giving only three months' notice. On September 16, 1880, the defendants gave the plaintiff notice that the mortgagees would proceed to the sale within three months unless the principal and interest were previously paid, and early in February the property was sold by auction in the usual way and realized about £3,000, while according to the plaintiff's evidence, and that of two valuers called on his sold by auction in the usual way and realized about £3,000, while according to the plaintiff's evidence, and that of two valuers called on his behalf, it was then worth as much as £4,250. In the course of his cross-examination the plaintiff said that copies of his statement of claim were being sold at twopence each, and admitted that he was the manager of a "Protection Society at Harrold, for all classes and branches of trade," to which labourers were invited to pay 2s. 6d. per annum, and farmers, carriers, and others 3s. 6d. so as to be entitled to have "a solicitor and counsel in all cases of need." The circular contained the following paragraph:—"Now there are so many cases in which there is only one side of the question heard. This society is to enable every member to have his side. tion heard. This society is to enable every member to have his side heard, and if not satisfied to take it for trial. If you employ a solicitor, they are all as one with the magistrates. Now, by joining this society tion heard. This society is to enable every member to have his side heard, and if not satisfied to take it for trial. If you employ a solicitor, they are all as one with the magistrates. Now, by joining this society you are not bound to any local solicitors; our solicitors will tell them what the law is and they must abide by it. Now, why should innocent men be sent to prison and the county have to keep them? An old friend of mine had twenty-one days instead of his brother. They swore it was him instead of the other." This last paragraph, when read out, caused some merriment in court, as did also the assertion of the plaintiff that the defendants had acted hostilely towards him "all along of this society." The circular was signed by the plaintiff, and concluded with "a few remarks on the law of the country," of which the first was, "A man must be helplessly drunk to be convicted." The principal conflict of evidence in the case was as to whether or not the 'defendants had acted contrary to the instructions of the plaintiff in giving the mortgagees a power of sale after three months' notice only, the case-for the defendants as to this being that one member of their firm had not only called the plaintiff's attention to this before the execution of the mortgage, but had further distinctly informed him that the intended mortgages had refused to lend the money unless the notice of sale were a three months' notice. There was a direct conflict of evidence as to the nature of the instructions given by the plaintiff to the defendants, the plaintiff deposing that Incre was a circer connect or evidence as to the nature or the instruc-tions given by the plaintiff to the defendants, the plaintiff deposing that he gave definite instructions for six months' notice, for the sake of which he entered into the transaction, previous mortgages upon the property, providing only for three months', and, in the case of one, no notice at all. The plaintiff's counsel also relied in some measure upon the defendants'

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diaries as confirming the plaintiff's version. On the other haud, the defendants stated that the time for payment of interest and the question of notice were raised by the plaintiff while the negotiations were proceeding; but that while they made some concessions in respect of the reduction of interest upon punctual payment, they refused to agree to more than three months' notice.

Manistry, J., in summing up, told the jury that much trouble had arisen from a misconception on a previous occasion as to the measure of damages. The plaintiff, if entitled to damages at all, would be entitled to the smount of the loss, if any, which he incurred through the sale of the property in January instead of April. He would not be entitled to recover upon the basis of illegal sale. Before dealing with this the jury would have to say whether or not they believed that the plaintiff arranged with the defendants for a six months' notice at all.

The jury found a verdict for the defendants.—Times.

# OBITUARY.

### DR. MAURICE CHARLES MERTTINS SWABEY.

DR. MAURICE CHARLES MERTTINS SWABEY.

Dr. Maurice Charles Merttins Swabey, barrister and advocate, died at his residence, Langley Marish, Buckinghamshire, on the 1st inst. The deceased was the eldest son of Mr. Maurice Swabey, of Langley Marish, and was born in 1820. He was educated at Westminster, and he was formerly student of Christ Church, Oxford, where he graduated third class in classics in 1843, and he subsequently proceeded to the degree of D.C.L. He was called to the bar at Gray's-inn in Easter Term, 1848, and he was admitted a member of the College of Advocates in Doctors'-commons in November, 1850. He had a good share of practice in the old ecclesiastical courts, and after the passing of the Acts of 1857, he was, for many years, one of the foremost practitioners in the Probate and Divorce Courts. He had also been engaged in many important ecclesiastical suits, including the \*Bessys and \*Reviews\* prosecution. He was also well known as as a law reporter, having compiled one volume of Admiralty reports in conjunction with Dr. Deane, and four volumes of Probate and Divorce reports in conjunction with Dr. Deane, and four volumes of Probate and Divorce reports in conjunction with Dr. Tristram. Ten or twelve years ago he sustained some severe injuries in a railway accident, and the state of his health had diminished his practice, which he finally relinguished a few months ago. Dr. Swabey had been chancellor of the diocese of Oxford since 1867, and chancellor of the diocese of Ripon since 1874. He was commissary of the Dean and Chapter of Westminster. He was a bencher of Gray's-inn, and a magistrate for Buckinghamshire, and he regularly attended the petty sessional sittings at Slough. Dr. Swabey was a man of most courteous and amiable disposition, and was regarded with high esteem by all his professional friends. He was married in 1856 to the eldest daughter of Dr. John Haggard, of Doctors'-commons.

#### MR. MONTAGUE GROVER.

MR. MONTAGUE GROVER.

Mr. Montague Grover, solicitor and proctor (of the firm of Grover & Grover), of Cardiff, Pontypridd, Llandaff, and Newbridge, died at Cardiff on the 29th ult., after a long illness. Mr. Grover was born at Treforest in 1811. He was admitted a solicitor in 1847, having been articled in the office of Messrs. Wheelsworth & Richadale, of Gray's-inn, and he had practised for about thirty-five years at Cardiff, where he had an extensive practice. During the latter part of his professional career he had been associated in partnership with his nephew, Mr. Henry Llewellyn Grover, who is deputy coroner for the Eastern Division of Glamorganshire, the firm having branch offices at Pontypridd, Llandaff, and Newbridge. Mr. Grover was a perpetual commissioner for Glamorganshire, and one of the governors of Howell's Grammar School. He was a member of the Swansea Town Council from 1860 till 1864, when he was elected town clerk of the borough, and held that office for about five years. Mr. Grover's health had long been failing, and he had, to a considerable extent, withdrawn from practice. He had been twice married, and he leaves three daughters. daughters.

### MR. JOSEPH JOHNSON LEEMAN, M.P.

MR. JOSEPH JOHNSON LEEMAN, M.P.

Mr. Joseph Johnson Leeman, solicitor (of the firm of Leeman, Wilkinson, & Leeman), of York and Pocklington, M.P. for the city of York, died at his residence, Acomb Priory, Yorkahire, on the 2nd inst., from congestion of the lungs, after a short illness. Mr. Leeman was the son of the late Mr. George Leeman, solicitor, formerly M.P. for York. He was articled to his father, and he was admitted a solicitor in 1865. Since his father's death he had been associated in partnership with Joseph Wilkinson, the town clerk of York, and with his younger brother, Mr. Frank Leeman, who died only a few weeks ago. Mr. Leeman had a large and important business, his firm being solicitors to the North-Eastern Railway Company. At the general election of 1880 he was brought forward (on his father's retirement from Parliament) as a candidate for the city of York in the Liberal interest, and he was returned at the head of the poll. Mr. Leeman was a deputy lieutenant for the West Riding of Yorkshire, and he held the offices of clerk to the lieutenancy and deputy of the peace for the East Riding. He was married in 1870 to the daughter of Mr. Richard Smethurst, of Ellerbech, Lancashire.

# LORD COLERIDGE ON THE ENGLISH COMMON LAW.

LORD COLERIDGE ON THE ENGLISH COMMON LAW.

Ar a reception tendered to him by the St. Louis bar, Lord Coleridge is reported to have said:—"That the English common law is as broad as the race, as various and elastic as the various people of which that race is composed, and that it is, in its wisdom and profundity, as inexhaustible as our language, these things I carnestly believe, am thoroughly convinced of. This is the theory that from time to time I have sought to maintain in argument and exemplify in practice. But, gentlemen, our common law has had great dangers to meet and overcome. The wise and broad liberality of Lord Holt and Lord Mansfeld would have antedated many of those salutary changes which are now embodied in the law, had it not been for the narrow and unbending learning of Lord Kenyon and Lord Eddon, which postponed them for nearly a century. And in the same way the broad and manly sense of the judges of the Queen's Bench and of the Common Pleas, in the times of Lord Demman and Lord Campbell, were overborne and crowded out and overruled by a great lawyer indeed, but a man of the most narrow technicality, who, when he was young, dominated Westminster Hall with he most despotic sway. I mean Baron Parke, who was afterwards known as Lord Wensleydale. He was a man who used to rejoice in nonsuiting the plaintiff in an undefended cause—that is to say, doing what by the very nature of the case was injustice. He resisted with the utmost of his ability the very slightest attempts that were made to allow amendments in the pleadings. For, said he, 'Good heavens! Think of the state of the record.' That is, he thought of the parchment. The clients were nothing. And he set himself deliberately to destroy and defeat the intentions of the English Parliament in 1852 and 1854, to introduce something of an equitable broadth and freedom into our common law procedure as it existed at that time, and he succeeded. I should be sorry to think that this was a fair description of everything existing at that time, but I rememb

At New York, on October 11, Lord Coleridge is reported to have said:—
"It seems to me that there are one or two other differences, which
upon clear, good, and entirely uncontradicted evidence, exist between our
system and yours. I am told with one voice that our courts in England upon clear, good, and entirely uncontradicted evidence, exist between our system and yours. I am told with one voice that our courts in England go faster than your courts in America, and I cannot say with what pleasure an old, narrow-minded insular received the intelligence that in any thing—even in a lawsuit—the old country went faster than the new. I am told also—and it seems to be the fact—that the judges in England take the liberty of assuming more the direction of affairs in cases which are tried before them, whether with or without a jury, than the practice of some of your States and the actual statutes in others permit to the judges in this country. It is not for me to express an opinion as to whether you are right or wrong. From our point of view, and in our circumstances, I cannot help thinking we are right; but nevertheless, I am not so presumptuous as to deny that it is very likely that from your point of view, and in your very different circumstances, you may be right, too, because, where the circumstances differ, the conclusions will naturally not be the same. One thing seems to me clear—that in England, with our fewer judges, we dispose, and dispose without arrears, of a very sufficient and satisfactory number of cases; and in this country upon the whole, in many States, and certainly, as I understand, in the courts of the Union, there is a very considerable arrear at the present time. You are probably aware that we in England have been engaged for the last ten years, beginning in 1873, when, as Attorney-General, I was responsible for passing the Judicature Act through the House of Commons, in endeavouring to cheapen, and simplify, and expedite our procedure upon the lines of those salutary statutes which the wisdom of Parliament enacted about thirty years ago (in 1852—54). At this moment, a committee, of which I have the honour to be the chairman, having reported in favour of certain amendments, the judges have made large alterations in our rules of procedure, which I hope may be beneficial, but

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minds of many men with narrow technicality and substantial injustico. That was not the fault of the common law, but it was the fault, if fault is vere, of the system of plending, which, looked as practically, was a small part of the common law, but very powerful men had contrived to make it spear that it was almost the whole of it—that the science of statement was far more important than the substance of the right, and that rights of litigants themselves were comparatively unimportant unless they illustrated some obscure, interesting, and suble point of the science of stating those rights. Now, I prefer to confirm what i am telling you, by authority much greater than my own, bocause it might be said, and said with truth, that I was merely condemning a system which I possibly disliked, because I naver was very proficient in it. I well recollect to have heard Sir Wim. Ferle, who was a great lawyer, who was chief judge of the Common Pleas, and whose name may be known to many of you on this side of the Atlantic, relate a remarkable conversation that took place between a learned baron, a famous men of those days, himself, and a thirt person, very distinguished in his day, but it title remembered in the present: Charles Austin, a man of alangular gifts of mind, who devoted himself chiefly to making a fortune, and whose reputation, immense with his cantemporaries, is untobiography. These three men were in a London club, and the baron said that he had joined in the building of aixteau volumes of Meeson and Welaby, and that that was a very great thing indeed for any man to do. Sir Wim. Erle, with more condour than courtesy, replied that it was a fortunate thing there had not been a seventeenth volume of Meeson and Welaby, for if there had, the common law would disappear from creation amidas the universal jeers and hisses of markind, and Charles Austin followed up this observation of file Wim. Erle in this way: he said: "I have been dynamic to the place of truth—do you think that those subtleties, if there was any merit

# SOCIETIES.

and J. H. Dransfield, the honorary secretaries, for their services during the past year.

Mr. Mints proposed the election of Mr. Barker as president. Mr. Barker had worked hard for the society, and those who had worked were entitled to reap what honours there were.

Mr. S. Leanoyd seconded the motion, which was unanimously passed. Mr. W. Ramder moved: "That the following gentlemen be the standing committees for the ensuing year: Parliamentary—the president, deputy-chairman, governors, and the secretaries; Library—the president, deputy-chairman, treasurer, secretaries, Mr. George Dyson, Mr. W. Armitage, Mr. Charles Mills, and Mr. C. E. Freeman."

Mr. G. L. Barner seconded the motion, which was agreed to.

Mr. D. F. E. Byrker proposed the election of Mr. George Dyson as a governor of the society in place of the late Mr. S. S. Booth.

Mr. Naylon seconded the motion, which was agreed to.

It was decided to close the offices of the members of the society on Monday, Tuesday, and Wednesday during Christmas week.

A vote of thanks was passed, on the motion of Mr. S. Lanoyd, seconded by Mr. C. Mills, to Mr. J. W. Piercey and Mr. R. P. Berry for conducting law students' classes.

Mr. Blanks then took the chair, and thanked the members for his election. He hoped they would do more work in the coning year.

A paper was then read by Mr. Chanks Mills on "The New Bankruptcy Act," in which, after referring to the leading provisions, he concluded !—" Finally, the Act provides for the administration in bankruptcy of the estates of deceased insolvents—a provision of great importance, as it will subject them to the same rules as are applicable to either bankruptcy of the ostates of deceased insolvents, the same rules as are applicable to either bankruptcy of the ostates of deceased insolvents, the same rules and provision of great importance, as it will subject them to the same rules as are applicable to either bankruptcy in the section import the law of fraudulent preference or reputed ownership into the administration of the adm all in turn failed, and it now remains to be seen, whether a trovermental department will crown with success this last attempt to deal with this most difficult and important subject."

Mr. Learove expressed himself strongly against the officialism of the new Act, and believed that it would lead to many private arrangements,

new Act, and believed that it would lead to many private arrangements, and a great decrease in bankruptcy cases.

Mr. D. F. E. Sykes spoke in favour of the new Act.

Mr. Leanove next read a paper on "The New Rules of the Supreme Court," which we shall print next week. A discussion followed in which Mr. Mills and Mr. D. F. E. Sykes took part.

Votes of thanks were accorded to Mr. Mils and Mr. Learoyd for their

The consideration of the Bankruptcy Rules was referred to the Parliamentary Committee. After the consideration of some minor business the meeting con-

cluded.

HUDDERSFIELD INCORPORATED LAW SOCIETY.

The second annual meeting of this society was held on the 31st ult., at the Incorporated Law Society's rooms. Mr. John Sykes presided, and there was a good attendance.

Mr. S. Larroy submitted the report, from which extracts will be found below.

After Mr. Spexes had submitted the accounts,

The Charrowan moved the adoption of the report and balance-sheet.

Mr. H. Barroy stated that Mr. Affred Sykes had, according to his wish, completed the arrangements for the prize fund before that meeting.

Some delay had been necessary to produce £5 net per annum. After consideration it was thought that £14 or £148 would suffice to produce the sum mentioned free of income-tax. It was also decided to invest the money with the corporation, and £130 had been so invested. But Mr. Sykes generosity had gone further. Knowing that there was a local law student who was likely to distinguish himself at the November examinations this year, and that there would be no dividends from the funds this time, Mr. Sykes lad intimated that he would find the money this year. He moved a cordinal vote of thanks to Mr. Sykes conded the motion, which was carried anid applause.

On the motion of Mr. Dysox, seconded by Mr. Kayr, the fellowing was agreed to:—"That the society present their most hearty thanks to Mr. Sykes, the retiring president; Mr. Henry Barker, the retiring deputy-chairman; Mr. R. P. Berry, the freasurer; Meagas Samuel Leavoyd.

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Chief Constables acting as Advocates.—The sub-committee appointed by your committee to consider the practice in the borough police court, have held many meetings, and ultimately adopted and forwarded to the bench a memorial, stating the views which they entertain upon the practice of the chief constable acting as an advocate there. A courteous answer was afterwards received from the mayor, on behalf of the bench, in which he stated that, acting on the advice of their clerk, they did not feel that they could comply with the terms of the memorial, so far as regards the chief constable acting as advocate, and a copy of the opinion of their learned clerk, one of the governors of your society, was also forwarded. Mr. Mills's able letter has been considered, and though the members of the sub-committee do not concur in his views, they thank him for the courteous manner in which he has acted in the matter. Your committee have felt that the matter was one of some importance, and have referred the whole subject to the Incorporated Law Society in London, and they expect shortly to receive their views upon the question.

Prize for Law Students.—Your committee report with pleasure that Mr. Alfred Rykes has generously offered to invest a capital sum yielding £5 per annum with a view of establishing a medal or prize for the benefit of the law sudants of the district. A sub-committee was appointed to confer with Mr. Sykes as to the best means of carrying out the project, and the deed embodying the terms of the trust has been prepared, and the seal of the society has been ordered to be fixed thereto.

# LAW STUDENTS' JOURNAL.

COUNCIL OF LEGAL EDUCATION.

MICHARLMAN EXAMINATION, 1883.

General Examination of Students of the Inns of Court, held at Lincoln's-inn Hall, on the 16th, 17th, 18th, and 19th of October, 1883.

General Examination of Students of the Inds of Court, held at Lincoln's inn Hall, on the 16th, 17th, 18th, and 16th of October, 1883.

The Council of Legal Education have awarded to the following students certificates that they have satisfactorily passed a public examination:—George Samuel Brown, George Montagu Brown-Westhead, Thomas Lowndes Bullock, Vencatanarasiah Narasu Chella, Clement Kinloch Cooke, Theodore Coppock, Robert Weston Cracroft, Henry Thomas Daniel, James Archibald Duncan, Henry Louis Langley Feltham, John Andrew Hamilton, John Leonard Heddon, Afred Herbert Higgins, George Washington Kilner, Edward Turner McGowan, Edward Robert Pacy Moon, John Lloyd Morgan, Percy John Prankerd, Ernest Henry Railton, Basil Scott, William Alfred Byam Shand, John Walker Thompson, James Muschamp Vickers, John Barker Wilkin, and Arthur Williams, of the Inner Temple; Edward Maxwell Dillon, Thomas Donovan, John William Gordon, Richard Handley, Edward Markwick, Ernest Sutton Saurin, James Brydges Sayers, Richard Smith, Henry George Vickers, and Robert Wallace, of the Middle Temple; Henry Carnac Brown, Arthur Cardew, Henry Morris Chester, Charles Johnston Edwards, Edward James Gibbons, William Shallcross Goddard, Clifford Wyndham Holgate, George Hayes Paice, Thomas Glynn Ridey, Ernest Mason Satow, Arthur Baldwin Woodcock, of Lincoln's-inn; and John Watson Moyses, of Gray's-inn, Esga.

The following students passed a satisfactory examination in Roman law:—Alfred John Bowman, William Warwick Buckland, Arthur Augustus Coster, George Thorn Drury, Dudley Edward Coutts Falcke, John Hadden Fisher, Charles Gawen Roberts Gawen, Herbert Gething, William Graham, Thomas Hewitt, William Oliver Hodges, Charles James Kemp, Burleigh Dunbar Kilburn, Joseph King, Hon. Edward Knatchbull-Hugessen, Donald Gluse Larnach, William Henry Maskew, Reginald Mortimer Higgs Jones Mortimer, Arthur Oldham, Lewis Palmer, Ernest Murray Pollock, George Herbert Powell, Carleton Rea, James Roll, Altred Edward Stanland, Alexander Tounes, William Henry Maskew

### LAW STUDENTS' DEBATING SOCIETY.

At a meeting of the society, held on Tuesday, the 6th inst., Messrs. Austin and Pope were elected members of the committee in the places of Messrs. G. H. Bower and Stewart Smith resigned, and Mr. Stewart Smith was elected secretary in the place of Mr. Spiers resigned. Votes of thanks to the retiring officers were unanimously passed for the services which they had respectively rendered to the society. The commencement of the present session has been marked by a great influx of new members. Six new members were proposed on Tuesday last. A considerable

discussion ensued upon a motion introduced by Mr. Strickland, which the mover subsequently, with the consent of the society, withdrew. At the official business had been disposed of, a spirited debate took place upon the question, "An ox belonging to the defendant, and while being driven by his servants through the streets of a country town, entered the plaintiff's shop, which adjoined the street, through the open doorway, and damaged his goods. No negligence on the part of the persons in charge of the ox was proved. It was held by the Queen's Bench Division that the owner of the ox was not liable. Is this decision right?" Mr. Claremont opened in the affirmative, while Mr. Elmslie led for the negative. The following members joined in the discussion:—Messra. H. Mossop, T. W. Williams, A. Austin, Brandon, Payne, and Pope. After the opener had replied, a vote was taken which resulted in a majority of two for the affirmative. Thirty-four members were present.

#### UNITED LAW STUDENTS' SOCIETY.

The usual weekly meeting of the society was held in the nail of Clement's inn, Strand, on the evening of Wednesday, November 7, Mr. H. N. Harvey in the chair. The attendance of members was quite up to the average. In private business the society resolved in future to meet at 7.30 precisely. It was further resolved that a committee, consisting of five members, should be appointed to revise the rules of the society. Mr. Kains-Jackson moved, as a subject for debate, "That a censorship of the literature of the country is desirable and expedient." This motion gave rise to an animated discussion, in which Mr. Harvey, Mr. Yates, Mr. Keep, Mr. Bull, Mr. Munday, and Mr. Meade took part. The moved replied, and the house divided, when the motion was declared carried by a majority of two.

# LEGAL APPOINTMENTS.

Mr. FREDERICK ADDLERUS PRILMECK, Q.C., who has been appointed Senior Prosecuting Counsel to the Post Office on the South-Eastern Circuit, is the eldest son of Mr. Frederick Homfield Philbrick, solicitor, town clerk of Coichester. He was educated at University College, London, and he graduated B.A. at the University of London in 1853. He was called to the bar at the Middle Temple in Trinity Term, 1860, having, in November, 1858, obtained an open studentship, and he became a Queen's Counsel in 1874. Mr. Philbrick is a bencher of the Middle Temple, and he was appointed recorder of Colchester in 1870.

Mr. J. H. Scott, of 19, Coleman-street, solicitor, has been elected a Member of the Hornsey Local Board of Health in the place of the late Mr. M. H. Tatham, solicitor.

Mr. Frank Herbert Tanner, solicitor, of Wimborne, has been appointed Clerk to the County Magistrates at that place, in succession to Mr. Thomas Rawlins, deceased. Mr. Tauner was admitted a solicitor in 1861. He is clerk to the Wimborne Hoard of Guardians, and to the Governors of the Wimborne Grammar School.

### LEGAL NEWS.

At the opening of the sittings there was a gathering in the great Central Hall at the Royal Courts of Justice to witness the entrance of the judges. The care exercised with a view to prevent overcrowding and to secure the comfort of those admitted to see the spectacle caused, says the Times, some annoyance and discomfort through a want of explicitness in the published regulations. It was intended that all barristers in gown should have free access to the Central Hall, but in order to facilitate the collection of tickets from such of the public as were admitted and from barristers who wished to bring in their lady friends, no one without a ticket was to be admitted through the narrow doorway left open in the principal entrance from the Strand to the great hall. Persons other than barristers in wig and gown were to enter and take their places before one o'clock. From noon until that hour lit was proposed that barristers should pass up by the staircases on either side of the great doorway into the gallery and the court corridors, and thence, if they pleased, descend into the Central Hall by the staircases always open to them. These arrangements, however, had unfortunately not been sufficiently explained, and the refusal to admit members of the bar, though in gown and wig, unless they had provided themselves with tickets, directly into the Central Hall was, in the circumstances, naturally resented, and it seemed for a time as if the position would be carried by storm. Strong representations were made, and ultimately the restriction was withdrawn, and all in forensic costume were allowed to enter without let or hindrance. An avenue was kept for the passage of the judges up the centre of the hall, were barristers, members of the Inns of Court, solicitors, and their friends, who had taken the trouble to obtain tickets of admission. The arched gallery over the antrance-hall was filled, for the most part, with barristers, while the intrance-hall was filled, for the most part, with barristers, while the intrance-hall was

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brief pageant, which, owing to the absence from the procession of some judges who are on circuit and of others from different causes, was somewhat diminished in its proportions. It included the Lord Chancellor, the Master of the Rolls, the Lords Justices of Appeal, Sir James Hannen, the judges of the High Court of Justice, and the judges of the Chancery and Queen's Bench Divisions of the High Court of Justice, with groups of

Queen's Counsel bringing up the rear.

On Saturday, at the Westminster Police Court, says the Times, Mr. On Saturday, at the Westminster Police Court, says the Times, Mr. George Twyman Porter, solicitor, of Victoria-street, Westminster, appeared to an adjourned summons charging that he, being a solicitor intrusted with money for safe keeping, under the 24 & 25 Vict. c. 96, s. 76, did convert the same to his own use. Mr. Doveton Smyth prosecuted; and Mr. Frank Safford defended. The case for the prosecution was that Mr. John James Henshaw had an interest in the will of the late Rev. William Henshaw, the defendant and a Mr. Whittit Smith being the trustees. Wishing to obtain £1,000, Henshaw instructed the defendant, of the then firm of Porter & Sullivan, to prepare a mortgage deed, but this was not executed, £1,000 in Consols being sold out by the defendant. Of the sum received prosecutor had £200 by cheque and other smaller sums, but he could not get the balance, over £700, and had been put off with all sorts of excuses—notably that the money had been invested in a with all sorts of excuses—notably that the money had been invested in a concern, which, however, did not exist. On the other hand, it was contended that no such statement had been made as to the investment of the balance, and that it formed part of a chancery proceeding now pending.

This was denied by Mr. Smyth, who called a witness to show that this sum
was out of the "trust" of the late Mr. Henshaw, and could not form part of any chancery proceeding. The money had been placed in the Imperial Bank and all drawn out but 10s., now lying dormant, and consequently the prosecutor had lost his "all." Mr. Safford having been heard for the defence, Mr. D'Eyncourt, having reviewed the circumstances, came to the conclusion that the case must go for trial on these grounds-firstly, that the defendant had defrauded as a trustee under the section; secondly, that he had defrauded the prosecutor of money invested with him; and also for a fraud at common law with regard to moneys appro-priated. The defendant was committed for trial to the Central Criminal Court, bail in £1,000 being taken for his appearance and himself in the like amount.

# COURT PAPERS.

# SUPREME COURT OF JUDICATURE.

ROTA OF REGISTRARS IN ATTENDANCE ON

Date.	COURT OF	Y. C. BACON.	Mr Justice KAT.
Monday, Nov.     12       Tuesday     13       Wednesday     14       Thursday     16       Priday     16       Saturday     17	King Merivale King Merivale	Mr. Pemberton Ward Pemberton Ward Pemberton Ward	Mr. Lavie Carrington Lavie Carrington Lavie Carrington
Mon lay, Nov	Tecedale Farrer Tecedale	Mr. Justice Norra. Mr. Glowes Koe Clowes Koe Clowes Koe	Mr. Justice Prinson. Mr. Cobby Jackson Cobby Jackson Cobby Jackson

# COURT OF APPEAL. MICHAELMAS SITTINGS, 1883.

MICHAELMAS SITTINGS, 1883.

LIET OF APPEALS FOR HEARING.
(Set down to Thursday, 26th October, inclusive.)
(Concluded from g. 10.)

PPEALS FROM THE CHANCERY DIVISION, THE PROBATE,
DIVORCE, AND ADMIRALTY DIVISION (PROBATE AND
DIVORCE), AND THE COUNTY PALATINE AND STANNARIES
COURTS. APPEALS FROM THE

General List. 1883.

In re R L Bolton, deed, Hulley v Bolton app of F G Bolton and ors from V C of County Palatine of Lancaster April 16

Harvey v Municipal Permanent Investment Building Society app of plt from Baron Polick for Mr Justice Pearson April 16

Cropper v Smith app of delta from Mr Justice Pearson April 18

In re J F Rowlands, deed, Meakin v Howlands app of delta from Mr Justice Fry

April 19
Scrutton v Jaques app of deft E Ould from Mr Justice Pearson April 20
In ve The Liquidators of the London Jute Works, limd, and Francis Day—Contract—V & P Act, Bell v Day app of defts from Mr Justice Pry April 24
Jackson v Welstenbolme app of pit from V C of County Pel-time of Lenoaster

Jackson v Wehtenholme app of pit from V C of County Politine of Lancaster April 24
Orms v Bateman app of defis from Mr Justice Pearson April 24
In re Foekett, deed, Waller v Foekett app of pit from Mr Justice Kay April 24
In re R W Waiford and T Hussey—Contract—V & P Act, 1874 app of T Hussey from V C Bacon April 25
Cutter v Selby app of deft T R Selby from order of the late Master of the Rolls dated Dec 2, 1890 (set down by order) April 29
In re Griffiths, deed, Griffiths v Lewis app of deft from Mc Justice Chitty April 29

well v Watson app of deft J Padgett from Me Justico Fry April 28

In re The Banda and Kirwee Booty, Kinloch v The Queen and Secretary of State for India app of the Rev Alfred Kinloch from Mr Justice Kay April 30 Green v Humphreys app of deft from Baron Pollock for Mr Justice Pearson.

May 3
In re The Dovon and Cornwall Light and Power Co ld appl of the Hon F W
Cadogan from Mr Justice Chitty May 5
Howev Smith appl of pliffs from Mr Justice Kay May 7
Sutton v Satton appl of deft from Mr Justice Chitty May 8
Wicksteed v Biggs appl of defts from Mr Justice Person May 8
In re Wake's Settlemt and 10 & 11 Vict c 96 app of H W Burt from Mr Justice

Fry May 10

Barker & ors v Beever appl of pltffs from V C Hall allowing demrordered June 6 May 22

ordered June 6 May 22
Smith v Darlow (Walter Wilson clt) appl of Wm Roundell late Sheviff of Yorks from Mr Justice Chitty May 23
Sheppard & anr v Hovell & ors ampl of L P Ballard widow from Mr Justice Chitty disallowing claim May 24
Ward v Sittingbourne and Sheerness Ry Co appl of pltf from order of Mr Justice Chitty on fur com May 25
In re Sami Taylor deed Illeley v Randall appl of S T. Fraser & anr from Mr Justice Pearson May 31
Spraggett v Soraggett and ors appl of W Newton and anr from Mr Justice Pearson May 31
Keusit v The Great Eastern Ry Co appl of plts from the judge of Baron Pollock for Mr Justice Pearson at trial June 5
Morgan v Scott app of deft from part of judget of V C Bacon at trial June 11
In re Lewis Solomen deed Levy v Jacobs app of H Hart from Mr Justice Kay

In re Lewis Solomon deed Levy v Jacobs app of H Hart from Mr Justice Kay June 12

June 12
In re J Stafford Sons & Oswin's trade mark, No 28,413 and Trade Marks Registration Act, 1875 app of Messra. Allen & Glater & ors from V C Bacon on app from order of registrar June 13
In re John Smith deed Hooper v Smith app of plts from order of V C Bacon

In re John Smith deed Hooper v Smith app of plts from order of V C Baton on for con June 16 In re Estates at Swanses, settled by will of C R Jones and S E Act 1882 app of Henry de la Dillwyn from V C Bacon June 18 In re The Dronfield Silkstone Coal Co ld & Co's Acts app of Messrs Overend & Barker & ors from Mr Justice Chitty June 19 Boswell v Cosks appl of Pliffs from judgt of Mr Justice Fry at trial Jume 19 In re The Brighton Livery Statles Co ld & Co's Acts (exparte Joseph Offord) appl of Joseph Offord (a Contributory) from V C Bacon June 19 Buiteel & anr v Grepe & ors Grepe & ors v Loam appl of John Stanley Grepe from judgt of V C Hall June 21 In re The Gt Wheal Polgooth lind & Co's Acts (165th Sec) and In re Charles Turner a Solicitor appl of Official Liquidator from refusal of V C Bacon June 28

Oldrieve v Knowles (C B Nash's claim) appl of Claimant from Mr Justice

Chitty June 26
Barlow v Vestry of St Mary Abbotts Kensington appl of Deft Vestry from V C
Bacon June 28

Bacon June 28 Love v Leay appl of Plt from judgt of Mr Justice Cave for Mr Justice Chitty

June 28
In re W James deed James v James appl of Deft from V C Bacon June 29
Cowen v Emery appl of Pit from judgt of Mr Justice North at trial June 29
Ritson v Harrison Harrison v Ritson appl of Deft Looke Pennington from V C of County Palatine of Lancaster June 30
In re a contract made between Ellen Hadfield & Thomas Pryce Joyce for Sale of Leasehold Estate at Streiford Lancaster—V & P Act 1874 & Loncaster Acts 1850 & 1854 appl of Ellen Hadfield from V C of County Palatine of Lancaster esting axide objections July 2
Ada Howarth Pinr v James Walch Howarth Respt appl of Respt from decreanist for dissolution of marriage pronounced by Mr Justice Butt dated May 30 July 3
Suyth-Pigott v Smyth-Pigott appl of Deft E F Smyth-Pigot from judgt of Mr Justice Fry at trial July 4
In re James Traman, deed, Dawbarn v Truman appl of plts from judgt of Mr Justice Chitty at trial July 4
Hensichs v Westinghouse app of plt in person from refusal of Mr Justice Kay July 7

July 7
In 1e The Colorado Mines Development Co, limd, and Co's Acts app of Robert
Tennant from Mr Justice Kay July 11
In 1e The Emarch, deed, Mander v Harris app of plt from order of Mr Justice
Chitty allowing demurrer July 11
Espir v Mainwaring app of plt from judgt of Mr Justice Pearson at trial
July 12

Law y Garrett and ors appl of defts from judget of Mr Justice North at trial

July 12
Law v Garrett and ors appl of defts from judgt of Mr Justice North at trial July 13
In re Charles Augustus Wright, a solicitor (expice Jerome Saccome and any appl of Mr Wright from Mr Justice Chitty July 13
In re Charles Augustus Wright, a solicitor (expice Jerome Saccome and any appl of Mr Wright from Mr Justice Chitty July 13
In re The Northern Counties of England Fire Iusce Co, limd, and In re Robt Gillists an alleged Contributory and Co's Acts app of Robs Gillists from Mr Justice Chitty July 14
In re Bentley-Innes, deceased Bentley-Innes v Bentley-Innes app of R C Miller from Mr Justice Chity July 14
In re The Lendon Fish Market and the National Fishery Co, limd, and Co's Acts app of B R Suffling and ors from refusal of Mr Justice Chitty July 20
In re the Oorsgum Gold Mining Co of India, limd and Co's Acts app of Jemes Wilson from Mr Justice Chitty dismissing Petra to wind up Co July 21
In re The Hildge, deed Davidson v Illidge app of Henry Staple from refusal of Mr Justice Chitty July 21
In re The Artistic Colour Printing Co, limd, and Co's Acts (Chappell's Case) app of Liquidator from refusal of Mr Justice Chitty July 21
In re The Artistic Colour Printing Co, limd, and Co's Acts (Chappell's Case) app of Liquidator from refusal of Mr Justice Chitty July 23
Rust v The Victoria Graving Dock Co app of the Victoria Graving Dock Co-from Mr Justice Field for Mr Justice Kay July 25
Rust v The Victoria Graving Dock Co app of London & St Katharine Dock Co-from Mr Justice Field for Mr Justice Kay July 25
Norton & Recles, on behalf, &c v Compton (Piper's Claim) appl of H E Piper from refusal of Mr Justice Fearson July 26

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Is re The General Fit ancial Bank limd & Co's Acts (Richardson's Case) appl of Joseph Richardson from V C Bacom July 27 In re The White Star Consolidated Gold Mining Co limd and Co's Acts appl of Rdward Brewis from winding-up order made by V C Bacon Ang 2 Jones and ant v The Great Eastern Ry Co appl of deft from judge of V C Bacon at trial Ang 2 In re The North Wales Freehold Copper Mines & Smeltisg Co limd appl of David Downing from Mr Justice North Ang 2 In re T W Edwards deed Harding v Scott appl of deft from Mr Justice Chitty Ang 3 In re a Contract for Sale between Charles Adams and the Vestry of St Mary Abbots, Kensington and V & P Act appl of Charles Adams from Mr Justice Chitty July 25 In re The Alliance Scoy (in Voluntary Liquidation) & Co's Act, 1862 appl of H C Godfray from Mr Justice Kay Aug 3 Hemberow v Frost appl of deft from judge of V C Bacon Aug 3 In re Susan Brown deed O'Halloran v King appl of pltffs from Mr Justice Kay Aug 3 In re Susan Brown deed O'Halloran v King appl of pltffs from Mr Justice Chitty Aug 2 Smith v The Duke of Manchester app of from V C Bacon Aug 3 Stevens v Biller app of Justice Chitty Aug 3 Stevens v Biller app of Justice Chitty Aug 3 Stevens v Biller app of Justice Chitty Aug 3 Stevens v Biller app of Jerome Success and another from Mr Justice Chitty Aug 3 Stevens v Biller app of Jerome Success and another from Mr Justice Chitty Aug 3 Stevens v Biller app of Jerome Success and another from Mr Justice Chitty Aug 3 Stevens v Biller app of Jerome Success and another from Mr Justice Chitty Aug 3 Stevens v Biller app of Jerome Success and another from Mr Justice Chitty Aug 3 Stevens v Biller app of Jerome Success and another from Mr Justice Chitty Aug 3 Stevens v Biller app of Jerome Success and another from Mr Justice Chitty Aug 3 Stevens v Biller app of Jerome Success and another from Mr Justice Chitty Aug 3

In re Susan Brown deed O'Halloran v King appl of pitfis from Mr Justice Kay Ang 7
In re Jao Robinson deed Robinson v Robinson appl of pitfis from V C of County Palatine of Lancaster Aug 10
Hayn v Gardener appl of deits from Judgt of Mr Justice Denman for Mr Justice North and notice of contention by pitfi Aug 10
Layland and Co v Vanghan (Liverpool D R) appl of pitfis from judgt of Baron Pollock for Mr. Justice Entity Aug 10
The 110th Star-Bowkett Benefit Building Society v Chapman app of dft from judgt of Mr Justice Fry Aug 11
In re Joseph Timperson, deed and of money standing to the credit of certain Ry Cos—"The account of parties entitled in remainder" app of Richard Gauss and ors from V C Bacon Aug 13
In re J H Bell, deed Lake v Bell app of J B Parker from Mr Justice Chitty disallowing creditors' claim Aug 13
In re Toornwall Mimerals Ry Co and Co's Act 1867 (Claim of Newquay and Cornwall Junotion Ry Co) app of the Newquay, &c, Co from Mr Justice Kay dismissing claim Aug 13
In re John Maddever, deed Three Towns Bkg Co limd v Maddever app of dft from judgt of Mr Justice North at trial Aug 13
In re John Robinson, deed Robinson v Robinson app of J S Robinson from V C of County Palatine of Lancaster Aug 13
Smith v Land and House Property Corporation, limd app of plt from judgt of Mr Justice North at trial Aug 15
Alt v Norman app of dfts from judgt of Mr Justice North at trial Aug 17
In re a Contract for sale of Beal Estate between George William Nugent and William Riley and V & P Act, 1874 app of G W Nugent from judgt of Mr Justice North Aug 17
Chatterley v Nicholla app of plt from judgt of Mr Baron Pollock for Mr Justice Morth Aug 17
Chatterley v Nicholla app of plt from judgt of Mr Baron Pollock for Mr Justice Morth Aug 17
Chatterley v Nicholla app of plt from judgt of Mr Baron Pollock for Mr Justice Morth Aug 17
Chatterley v Nicholla app of plt from judgt of Mr Baron Pollock for Mr Justice Morth Aug 1800 app of Swindon, Kr Ry Co from

Pearson Aug 21 Charlton v Rolleston.

Pearson Aug 21
Charlton v Rolleston, and In re Swindon, Marlboro' and Andover Ry Acts, 1873
and 1879 and Lands Clauses Acts. 1846 and 1849 app of Swindon, &c Ry Co from
order of Mr Justice Kay Aug 23
In re the Silver Peak Mining Co limd and Co's Acts (W C Cooper's case) app of
the Co from order of Mr Justice Kay Aug 23
Weston v Sherwell app of dft from judgt of Mr Justice Denman for Mr Justice
North at trial Aug 28
Daksyne v Cannon app of plt from order of Mr Justice North Sept 1
Sharp v Allen and Sons app of dfts from order of V C B Sept 1
Cleather v Twieden app of dft from part of judgment of Mr Justice Denman for
Mr Justice North Sept 3
In re The International Marine Hydropathic Co limd and Co's Acts and Lancaster
Acts, 1850 and 1854 app of official liquidator from V C of County Palatine of
Lancaster Sept 3
In re Nation, deed Nation v Hamilton app of plt from ord of V C Bacon
Bept 7

Segs 7
Sadgrove v Pullinger app of defts Pullinger and anr from ord of Mr Justice
Chitty Sept 7
Redford v The Manchester, Bury, Rochdale, and Oldham Steam Tramway Co.
Ilmd app of plt from V C of County Palatine of Lancaster Sept 10
Sayers v Collyer app of plt and defts British Land Co from Mr Justice Pearson
Sept 16

Sopt 16
In re Joseph Wright & Co. limd. & Co's Acts app of Thes Barnaley and ore from Mr Justice Chitty Sept 25
In re The Same Co app of Saml Amphlet from Mr Justice Chitty Sept 26
In re R Parker, the elder, deed Parker v Parker app of pits from Mr Justice Pearson Sept 26
Young v Wallingford app of defts from V C Bacon Oct 4
In re The Duchy Mining Co, limd, & Co's Acts app of W R Hutton and ors (shareholders) from Vice Warden of the Stannaries Oct 19
Hotson v Sitoper app of deft H L Colman from Baron Policek for Mr Justice Pearson Oct 25

From Orders made on Interlocutory Motions in the Chancery and Probate and Divorce Divisions. 1883.

Coagrove v Maddison app of deft from V C B Feb 8
Munster v Chas Cammell & Co, ld app of plt from refusal of Mr Justice Pearson

Munster v Chas Cammell & Co, ld app of plt from refusal or her Justice May 24

The Whitehaven Union Rural Sanitary Authority v The Cockermouth Union Rural Sanitary Authority app of plts from refusal of Mr Justice Kay June 14

The Société Anunyme des Manufactures de Glaces, &c v Tilghman's Patent Sand Blast Co, ld app of plt from Mr Justice Pearson June 20

In re John McRae, deed Foreter v Davies Nordon v McRae app of plt Foreter from Mr Justice Kay June 21

Bothamley v Wiegel app of deft Wiegel from V C Bacon June 21

Martin v Rarl Beauchamp app of plt from Mr Justice Pearson June 27

In re R W Litchfield, deed Jones v Litchfield app of J Bradbury from Mr Justice Pearson July 9

Republic of Peru v Wegualin Weguslin v Republic of Peru app of R-public from Mr Justice Kay July 10

re Edwd Knight & Co Knight v Gardner app of Richard Knight from V C

Bacon Aug 4
Seear v Webb app of pit from V C Bacon Aug 6
Benthall v Rarl of Kilmorey app of pit from Mr Justice Chitty Aug 7
R ichards v Howell app of pits from refusal of Mr Justice Kay saied May 31, 1883

Aug 9
Richards v Howell app of pits from order of Mr Justice Kay dated Aug 6, 1883

Aug 9
In re The North Wales Freshold Copper Mines & Smelting Co limd & Co's Acts, 1862—1889 app of R M Fabris from Mr Justice North Aug 14
Krell v Burrell appl of deft in person from V C Bacon Aug 14
In re Alfred Inderwick, a Solicitor appl of A Inderwick from refusal of Mr Justice Chitty Aug 18
Ansus v Aydon appl of pltffs (except Elizabeth Augus) from refusal of V C Bacon Aug 20
In re T Burgess, deed Burgess v Bettomley In re L. Burgess, deed Burgess v Bottomley In re L Burgess, deed Burgess v Bottomley appl of pitff from refusal of V C Bacon Aug 20
Munday v Hurtas appl of deft from V C Bacon Aug 31
Craven v Ingham appl of T G Ingham and ors from Mr. Justice Ksy Aug 31
In re Cavander & 10 & 11 Vict. cap 96 appl of S S Rogers and aur from V C Bacon Sept 6

In re Cavander & 10 & 11 Vict. cap 96 appl of S Rogers and anr from V C Bacon Sept 6
Windbam v Guibilei appl of H Denney and anr from V C Bacon Sept 6
In re Pickering, deed Pickering v Pickering appl of deft from Mr Justice Chitty Sapt 6
Sadgrove v Pullinger appl of deft R J Woodfin from Mr Justice Pearson Oct In re The Middlesborough Redear & Saltburn by the Sea, &c, Bldg. Socy. & Co's Acts appl of Jno Dunham from Mr. Justice Pearson Oct 6
In re T W Flavell, deed Murray v Flavell appl of Jno Hills (baving conduct of action) from Mr Justice North Oct 9
Fullwood v Fullwood appl of deft Chas Fullwood from Mr Justice Pearson Oct 11
Les The Great Wheel Palgroth Hind & Colo Acts, appl of Factly Blog and Inc.

Oct 11

In re The Great Wheal Polycoth limd & Co's Acts appl of Fredk Bigg and ora from Mr Justice Butt for V C Bason Oct 20

Taylor v Mostyn appl of dafts from Mr Justice Pearson for Mr Justice Chitty Oct 25

FROM THE QUEEN'S BENCH AND PROBATE, DIVORCE, AND

ADMIRALTY (ADMIRALTY) DIVISIONS.

(Concluded from p. 10.) For Hearing.

1883.

Shoolbred v Hindle app of plt from Justices Grove and Smith setting aside vurtict and directing entry of judget for deft Hindle action tried by Mr. Justice Kay at Manchester May 12

Shoolbred v Hindle and an app of deft Breadbent from judget of Justices Grove and A. L. Smith May 21

Coombs v Cook app of deft from judget of Baren Huddleston at tried in Middlesax May 17

Henuvod v Bourset app of plt from judget of Mr Justice Maniety after trial in London May 21

(Public Health Act 1875 s 269 subs 7) Dyson & ors v The Greetland Lee 1

Board app of Dyson and ors from Justices Field and Mathew declaring rate valid May 25

Whitworth v Page app of deft from judget of Mr Justice Day at trial at Liverpool June 5

Whitworth v Page app of deft from judgt of Mr Justice Day at trial at Liverpool June 5
The Athenry & Ennis Junction Ry Co v The Waterford and Limerick Ry Co app of defts from judgt of Mr Justice Piald at trial in Middlesex June 7
Higham & ore v The Fallsworth Industrial Co-operative Society limit app of plts from judgt of Mr Justice Day at trial in Manchesser June 7
Cooper v Davis app of plt from Baron follows and Mr Justice Lupes setting aside verdict and judgt—action tried by Mr Justice Williams at Liverpool June 7
Nordenfeldt v Gardener & ore app of defts from judgt of Baron Hutdleston at trial in Middlesex June 13
Davies v Paul and ore (action commenced in High Court, remitted and tried in Brompton County Court) app of plt from Justices Williams and A L Santh reversing judgment of County Court June 14
Guillichesen v Stewart Bros app of plt from order of Baron Pollock and Mr Justice Lopes June 15
Miller v Flatoner Falconer & Oo app of defts from judgt of Mr Justice Mathew at trial in London June 18
Burroughes & anr v The London Financial Association id app of plt from judgt of Mr Justice Mathew at trial in London July 9
Evans & anr v Soames & Oo app of defts from judgt of Mr Justice Mathew at trial in London July 9
Evans & anr v Soames & Co app of defts from judgt of Mr Justice Day at trial at Liverpool June 27
Brook & anr v Vorley & anr app of defts from judgt of Mr Justice Sephen at trial June 28

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Hollins & Co v Verney Bart & ors sup of defts from the Lord Chief Justices and Justices Denman and Manisty June 29.

Edington & Sons v Maddison & Co sup of plks from Justices Grove and Stephen ecting aside verdict and directing judge for defts July 2.

Reeves v Adia (Chas Edwd Barlow claimant) QB Crown Side app of plk from judge to Justices Williams and Stephen on app from county court June 30.

Dys v Dys & amr app of plk from Baron Pollock and Mr Justice Lopes directing entry of judge for defts on special case stated by parties July 3.

Ney & ors v Bush app of plks from judge of Mr Justice Mathor at trial in Middleex (transferred from the Chancery Division) July 7.

Christie v Barker (Q B Crown Ride) app of deft from judge of Justices Williams and A L Smith fur pit on findings of Official Referce July 9.

Fir W H Dyks, Bart v Cammell app of deft from judge of Justices Williams and A L Smith fur pit on findings of Official Referce July 9.

Haines v Haines app of plx from judge of Mr Justice Day at trial in Middlesex.

Haines v Haines app of plt from judge of Mr Justice Day at trial in Middle July 10 m v Humphreys app of plt from ord of Baron Pollock and Mr Justice

Lopes July 12

Vogel & Co v The Riectrical Power Strenge Co app of pits from judgt of Mr

Justice Hawkins at trial in London July 12

Howes v Prudential Assurance Co, limd, and Howes app of deft Howes from
judgt of Mr Justice Lopes after trial in Middlesex July 13

Needham and any Johnson and Co app of defts from judgt of Mr Justice Lopes at trial in Middlesex July 13

Chapman v Newson app of plt from judgt of Mr Justice Stephen at trial in Middlesex July 14

Bibbetts and any v Booth (No 2) spo of deft from judgt of Mr Justice Stephen at trial in Middlessx July 16 1882—E-1,564

Vatkin v Newcomen spp of plt from judgt of Mr Justice Day at trial in Middlesex July 16

Iquity side of County Court Jolliffe v Baker (Q B Crown Side) app of plts from Justices Williams and A L Smith reversing decision of County Court Judge as to missicscription of property July 16

fackintoch v Steward app of dft from judgt of Sir James Hannau and Mr Justice Field signed 1st Aug, 1832, under order of July 24, 1832 July 18

The Queen v Illian sorth. (Q. B. Crown Side) app of Prosecutors from Justices
Williams and A L Smith reversing order of Sessions. July 20
Blott v Smith app of dft from jadgt of Baron Haddlesion at trial at Bedford

July 20
Peock and ors v. Gillham app of dit from judgt of Mr Justice Mathew at vial in Middlesex without a jury) transferred from Chancery Division by General Order of May 14, 1883 July 25
Thomas v London, Brighton & South Coast By Co and ors app of plt from judgt of Mr Justice Stephen at trial in London July 25
Fisher v London & South-Western Ry Co app of plt from judgt of Baron Pollock and Mr Justice Lopes on appealst case July 25
The School Boa d tor London v Wright (Q. B Crown Side) app of plts from judgt of the Lord Chief Justice and Justices Denman and Manisty on appeal from County Court July 31
Jenkinson v Rothery and ors app of dit Stevenson from judgt of Mr Justice Williams at trial July 61
Addison v Pether and Son app of dits from judgt of Mr Justice Mathew at trial in Middlesex Aug 1

The Queen v The Assessment Committee of the Poplar Union (In re Bromley and St Leonards Supplemental List—Q B Crown Side)

The Queen v The same Committee (in re All Saints, Poplar Supplemental List app of the East and West India Dook Co (Prosecutors) from judge of Mr Justices Grove and Manisty in each case quashing order of Assessment Session)

a v Rothery and ore sap of diss Rothery, Mankwell, and Spencer from of Mr Justice Williams after trial at Leons Aug 3 jadgt of Mr Justic

ceald v Tacquah Gold Mines Co limd app of dits from judge of Lord Justice egallay at rial at Maidstone and Hersford. Aug 3 v Righton app of dit from judge of Mr Justice Butt at trial at Stafford at rial at Maidstone end Hereford Aug 3 son app of dft from judgt of Mr Justice Butt at trial at Stafford

Aug 3
Rolles v The Mayor, Aldermen and Burgesses of the Borough of Oldham appl of pitf from judgs of Mr Justice Williams after trial as Laverpool Aug 4
Jones and sur v The Mayor, &., of the Borough of Oldham appl of pits from judgs of Mr Justice Williams at trial at Liverpool Aug 4
Dorman v Geotchild and ors appl of pit from judgs of Mr Justice Stephen on Reference areas.

Dorman v Geocchid and os appl of pit from judgt of Mr Justice Stephen on Refered's report. Ang 4

The General v The Guardians of the Poor of the Parish of St Marylebone, Middlesex (Q B Crown Side) appl of detta from judgt of Justices Williams and A. L.

Smith confirming order of Justices and Sessions on case stated. Aug 11

larrold v Hollings appl of dett from Justices Field and Williams reviving

Reshequer judgt obtained in 1850 with liberty to issue execution. Aug 11

drewn v Briggs appl of plt from judgt of Mr. Justice Stephen at trial in Middisex. Aug 14

smand v Gameser app of deft from judgt of Lord Justice Lindley at trial at

and v Gaimear app of deft from judge of Lord Justice Lindley at trial at anesa Aug 31 a v Danide and of all from Provided to Lord Justice Lindley at trial at

arion v Daniels app of plt from Baron Policek and Mr Justice Lopes confining order giving liberty to set off judge in any action. Aug 23 mainly v Barton and any apport sets Rarton from Baron Policek and Mr Justice Lopes rever an Masters occor exting saids judge Aug 27 literally 8 5-min. app of dest from judge of Mr Justice Cave at trial at Lieds

Aug 29 canality "Sir Fen" Co limit v Liverpool Barrow and West Cumberland State ship Co limit app of pits from judge of C Crompton, Req. QC, Commure at at Liverpool Sept 14

rman (substitution for Rogers, Gunn, & Co by order) w Witt app of plt from judge of Mr Justice Stephen at trial Oct 18

PROM PROBATE, DIVORCE, AND ADMIRALTY DIVISION.

N.B.—The Probate and Divorce Appeals—Final and Interlocutory—are interted according to date of setting down in the List of Chandery Appeals for hearing as they are reached in Appeal Court II.

N.B.—The Admiralty appeals without accessors—Final and Interlocutory—are nearted according to date of setting down in the List of Queen's Bench Appeals of hearing as they are reached in Appeal Court I.

N.B.—Admiralty Appeals with Assessors will be taken on special days to be appointed by the Court in Appeal Court I, as the days of setting down are passed in the course of the hearing of the General Queen's Beuch List.

1882.

Ship Benares The Owners of The Gerarda y The Owners of the Benares and freight app of the defendants from judgt of Sir R J Phillimore Dec 19

Ship Breeze The Owners of the Oscar and ors y The Owners of The Breeze and freight app of defis from judgt of Sir R J Phillimore Dec 19

Ship Mammoth The Royal Exchange Shipping Co, ld v The Rast and West India Dock Co app of defts from judgt of Sir R J Phillimore March 5
Ship Malwa Cayzer, Irvine & Co, Owners of Clau Forbes v The Peninsular and Oriental Steam Navigation Co, Owners of the Malwa app of pits from judgt of Sir R J Phillimore March 6
Sir R J Phillimore March 6

Oriental Steam Navigation Co, Owners of the Malwa sup or pits from Judge of Sir R J Phillimore March 5
Ship Northern Star Geo Butchard and ora, Owners, Master and Crew of Steam Tag Wellington v Owners of the Barque Northern Star her cargo and freight app of plts from judge of Sir R J Phillimore March 7
Sh p Alne Holme Owners of Nedea and ora v Owners of Alne Holme app of defts from judge of Sir R J Phillimore March 13
Ship Lancaster Glover Bros sind ora v Owners of the Lancaster, cargo and freight app of defts from judge of Sir R J Phillimore March 13
Ship Lancaster Glover Bros sind ora v Owners of the Lancaster, cargo and freight app of defts from judge of Sir R J Phillimore March 21
Ship Carlotta The Gt Eastern Ry Co and ora v The Owners of The Garlotta, cargo, and freight app of plts from judge of Mr Justice Butt April 26
Ship Lyn King & Sons v The Owners of the Lyn appl of Defts from judge of the Divisional Court May 24
Ship Elysia. The Owners of the cargo lately laden on beard the Emily v The Owners of the Blysia and freight appl of Defts from judge of Sir James Haunen May 24 May 24

of Margaret Cayzer Irvine & Co Owners of the Clan Sinclair y The Carron o Owners of the Margaret appl of Defts from judgt of Mr Justice Butt

June o hip Contest The Owners Masters and Crew of the Vesur v The Owners of Contest and freight appl of Detas from judgt of Sir James Hannen June 22 hip Contest The Owners &c of the Vesur v The Owners of the Contest dan fieight appl of Pits from judgt of Sir James Hannen July 18

Edward Rooles The owners of the German Emperor v The owners of the flward Eocles and freight appl of Defts from judge of Bir R J Patilimore

Edward Eccles and freight appl of Defts from judge of Dir 10 July 30
Ship City of Chester The Owners, Master, and Crew of The Missouri v The Owners of The City of Chester, her cargo, specie and freight app of pits from judgt and rejection of evidence by Mir. Juntice Butt Aug 1
Ship Winston Owners of The Warwick Castle v Owners of The Winston app of pit from judge of Sir James Hannen Aug 2
Ship British Commerce R J Craig and ors v William Thomas (consolidated actions) app of defts from judge of Sir James Hannen Aug 3
Ship Elgin (consolidated actions) Owners of barque lags v Owners of Elgin and freight Owners of barque Eighn v Owners of Instantian and freight app of owners of Elgin from judge of Sir James Hannen Aug 15
Ship Egyptian Monarch Owners of Frannes v Owners of Egyputian Monarch and freight app of pits from judge of Sir James Hannen Sept 20
From Orders made on Interiocutory Motions in the Queen's Bench and Admirality Divisions.

he Queen on the Presecution of R M Kerr, Req, Judge of City of London Court v Benjamin Scott, Req (Chamberlain) and Treasurer of City of London Court app of R M Kerr, Req from Justices Field and Cave refusing mandamne July 3 (8 O until day arranged)

1883 Hind v Brett and ors app of plt in person from order of Jastices Watkin Williams and Mathew May Z
Pritchard and anr v Baron Windsor app of plts from rule niel discharged by Jastices Grove and A L Smith—accion tried at Cardiff before the Master of the

Rolls May 11 Pritchard and am

Rolls May 11

Pritchard and any v Baron Windsor argument of rule niei for new trial granted by Court of Appeal—to be argued with appeal from Divisional Court by order (These appeals will be to taken in Appeal Court II. by order)

Bradlaugh v Newdegate app of deft from judgt of the Lord Chief Justice directing inquiry before Official Referee as to pit's costs of sotion May 12

Swire v Cookson & Ux appl of pitfs from judgt of Mr Justice Cave on interplement strength.

leader issue June 11
ven v Hall & Co & ors appl of pliff from the Lord Chief Jus ice and Justices
comman and Manisty refusing to set aside order for review of taxation. June

12 are Milton Brafford & Fortesone and In re Milton Brafford & Isaac Farish, solicitors app of G S Hare from Baron Pollock and Mr Justice Lopes confirming Master's order directing sayment of costs personally June 15.

The Queen v The Recorder of Sheffield (Q B Crown Side) app or prosecutor (Wake) from Justices Watkin Williams, Cave and A L Smith discharging rule nist for certificard June 15.

aisi for certiorari Jus nisi for certiforari June 10 Chapman v Day app of Annie Day (widow of deft) from Baron Policet and Mr Justice Lopes confirming order making appellant a party under order 50, rule 4

June 16
Betteley v Rose app of plt from judgt of Mr Justice Cave at trial in London on interpleader issue June 22
Claim for damages under Employers and Workmens Act—claim dismissed. The Gt Noethers Beamsolp Fishing Co v Edgehill (Q B Crown Side) app of the Fashing Co from rafusal of Mr Justices Damman, Field, and Hawkins to remit case back to magistrates. June 28
Davey v The London and South-Western Ry Co app of plt from the Lord Chief Justice and Mr Justices Demman and Manisty discharging rule nist for new trial—action tried by Mr Baron Huddleston in Middless June 26
Balman and Dixon v Young, Ehlers, and Co and and Co app of plts from Justices Demman and Manisty refusing inspection of documents claimed as privileged June 26
Batt and to y Vander Least and Co app of plt from rale nist discharged by Mr

Batt and Co v Vander Last and Co app of plt from rule niel discharged by Mr

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Baron Pollock and Mr Justice Lopes—action tried at Guildhall by Mr Justice

Baron Pollock and Mr Justice Lopes - oction tried at Guidan it by in Pollock Manisty June 26

M Wackerbart v St Giles' District Beard of Works app of the pit from order of Baron Pollock and Mr Justice Lopes for new trial—action tried in Middlesex by Mr Justice Denman June 27

In re a Bill of Sele given by Edward Terry to John Kirkwood app of J Kirkwood from Mr Justices Denman and Manisty June 29

South Staffordshire Mines Drainage Commission v Jones app of dft from Mr Baron Pollock and Mr Justice Lopes confirming order giving leave to defend upon pay-

ment June 29
Martin & Co v A L Fyfe & Co app of defits from Justices Denman and Lopes confirming order for reference to Master of whole action June 30
The Queen v E H Muskettjand Capt Mansell, Justices of Norfolk (Q B Crown Side) app of Protecutor from Justices Watkin Williams and A L Smith directing magistrates to draw up order in writing July 3
Jackson & Co v Charlton app of deft from Baron Pollock and Mr Justice Lopes granting conditional leave to defend on payment into court of amount claimed

July 4

July & Co v Pullinger app of doft from order of L C J and Mr Ju Manisty confirming judge for pit for certain amount if hot paid into o

July 5
[askell v The Inter-Oceanic Steam Yachting Co app of deft from Justices
Williams and A L Smith striking out defence and directing judgt for plt
July 6

July 6
Smyth, Bart v Wethered & Comham app of deft Comham from Baron Pollock
and Mr Justice Lopes upholding master's decision that venue, be changed to

and Mr Justice Lopes upholding/master's decision that venue be changed to Bristol July 6

Bristol July 6

The Steamship Thansmore, limd v Stoddart Bros app of pits from order of Baron Pollock and Mr Justice Lopes for new trial—action tried by Mr Justice Kay at Liverpool July 7

Pulda v Johnston, Miles & Co app of pit from Baron Pollock giving leave for demr to be decided at trial July 9

Parry v Whittington app of pit from rule nisi discharged by Lord Chief Justice and Justices Demman and Manisty—action tried by Lord Chief Justice at Carnarvon Winter Assizes July 10

Leavoyd & Co v Drinkwater app of deft from Baron Pollock and Mr Justice Lopes varying Master's order and directing trial of action at Liverpool July 10

July 10

Baird v Hamlyn app of deft from order of Baron Pollock and Mr Justice Lopes under ord 14 July 11

The London and County Banking Co, Ilmd, v Drinkwater app of deft Drinkwater from Justices Denman and Lopes confirming Master's refusal to order further and better sufficient of documents July 12

Biliott's Metal Co, Ilmd, v Wilson app of pits from order of Justices Denman and Manisty for new trial—action tried by Mr Justice Hawkins in London July 16

July 16
Furnival and any v Brooks app of deft from Justices Denman and Manisty
confirming dismissal of application to set saids judge in default of appearance

confirming dismissal of application to set aside judge in default of appearance July 17
Jacobs, Marous, & Co v Credit Lyonnais London Agency app of deft from Justices Demman and Manisty overraling demr July 17
The Queen v Overseers of Poor of Middlesborough Township (Q B Crown Side) app of defts from Justices Williams and A L Smith affirming liability to rate July 17
The Queen v Overseers of Poor at Lintherpe Township (Q.B. Crown Side app

The Queen v Overseers of Poor of Middlesborough Township (Q.B. Crown Side app of defits from Justices Williams and A L Smith affirming liability to rate July 17

The Queen v Overseers of Poor at Linthorpe Township (Q.B. Crown Side app of defits from Justices Williams and A L Smith affirming liability to rate July 17

The Mayor &co of Peterborough v The Churchwardens and Overseers of Wilsthorpe and the Stamford Union Assessment Committee (Q.B. Crown Side app of respits from order of Justices Williams and A L Smith as to principle of rating appoilants July 18

Johnson v Gresning app of pit from rule nisi discharged by Justices Denman and Manisty—action tried by Mr Justices Cave in London July 19

Thwattes v Wilding & anr app of pit from Justices Denman and Manisty setting aside verdict and giving judge for defi—action tried by Mr Justice Denman in Middlesex, verdict for pit July 20

In re Crewe Dudley v Expte Sarah Monet app of Sarah Monet from Justices Grove and Manisty reversing attachment order of Baron Huddleston and setting aside subsequent proceedings July 25

Gontard and anr v Carr and ors app of defts Carr and Bloxam, from Baron Polloks and Mr Justice Lopes confirming entry of judge for pit Aug. 7

Compagnie Financière et Commercials du Paolique v The Peruvian Guano Colima app of dift Co from retusal of Baron Pollock and Mr Justice Lopes to order inspection of documents mentionied in Muralt's Affidavit Aug 11

Ship Thyatira Owners of Atmosphere and her cargo v Owners of Thyatira and froight app of pits from order of Sir James Hannan referring back report to Registrar for far onsoon Aug 17

Barrett & Co v Dibts app of puts from Justices Field and Williams setting aside signed judget and subsequent proceedings Aug 18

The Land Corporation of Canada limid v Puleston and anr. app of pits from Justice Field and Williams affirming discharge of Master's Order except as to Interrogatory No. 7

Sapt & Rooney, the younger v Whiteley app of dift from Mr Justice Hawkins directing order of reference at trial in Middle

#### PROM THE LOWDON DANKBURTON COURT

	FROM THE COMPOR	DANKEUPICE COURT.
In r	o Pryce	Ex parte Abbatt
In :	e Sneyd	Ex parte Jennings and Sney
In r	e Stenson	Ex parte Merriman
	e Cooper	Ex parte Burtenshaw
	e Maraden	Ex parte Lancaster
	e Stratton and enr	Ex parte Salting
	e Wilcoxon	Ex parte Andrews
In r	o D Morris & Co	Ex parte Cooper
	e Hart and anr	Ex parte Caldicott
	e Stecnon	Ex parte Nicoli
	e Davica	Ex parte Barrett and any
	e Whaliey	Ex parte Warburg & Die
	e Chapman	Bx parte Johnson and anr

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In re Gruning	Ex perte Daniels
	The parts Daniss
In re Hickman	Ex ports Stanbridge and Jones
In re Henderson	Ex parte Shaw & Co
In re Nicholson	Ex paris Nicholson
In re D Morris & Co	Rx parte Cooper
In re Hartmont	Ex parte Harmont
In re Pyatt	Ex parte Rogers
In re Garnett	By parts Forbes
	hi parte Poroce
In re Sinclair	Ilx parte Chaplin
In re Walker	Ex parte Barrer
In re Walker	Ex parte Black and anr
In re Maryport Hematite Co	Ex parts Peat and our
In re Stenson	Rx parte Steason
In re Keogh	Ex parts Brown
In re Johnson	Ex parte Johnson
In re Cox	Ex parte Hollender & Cremotte
In se Sir R M Manael	Ex parts Sidney and our

HIGH COURT OF JUSTICE.
QUEEN'S RENCH DIVISION.
MICHARIMAS SITTINGS, 1883.
New Trial Paper arranged according to Date of Motion.
Standing for Judgment.
Belt v Lawes heard before the L.C.J. of England and Justices Desimen and
Manisty

Moved 20th Dec 1879 Middlesex, Nowell v Williams Sir H Giffard Lord Colsridge (Pt hd 26th 26th 27th and 28th May 1880 before Lord Colsridge (Pt hd 26th 26th 27th and 28th May 1880 before Lord Colsridge and Justices Grove and Lopes)
Moved 2nd March 1881 Liverpool, Starr and any v Bolland Mr Gully Justice Field (Stands over)
Moved 13th Dec 1882 Leeds, Crossley & Son v The Mayor &c of Halifax Mr A Wills Lord Justice Bowen (S.O. to be mentioned)
Moved 16th Feb 1893 Norwich, Allison v Daplyn & ore Mr Cock Justice Mathew (Pt hd To be meationed)
Moved 8th May 1883 Leeds, Pest v Jones Mr R V Williams Justice Kay Moved 18th June 1883 Middlesex, Addison v Pether & Son Mr Kangeford Justice Mathew (Stands over till decision in Court of Appea)
Moved 21st June 1883 Middlesex, Passmore v Mayor &c of London Mr D Seymour Justice Hawkins
Moved 21st June 1883 Middlesex, Senith v Harvey Mr Lockwood Justice Cave
Moved 2nd June 1883 Middlesex, Senith v Harvey Mr Lockwood Justice Cave
Moved 28rd June 1883 Middlesex, Schumscher v Canton Insurance Co Mr Finlay Justice Field (Staved ustil security given)
Moved 26th and 26th June 1883 Middlesex, Fairbairn, Reberts & Co v Allea Mr Vennall Justice Day
Moved 29th June 1883 Middlesex, Alcock v P R Leeuwe & Co Mr Finlay Justice Mathew
Moved 29th June 1883 Middlesex, Alcock v P R Leeuwe & Co Mr Finlay Justice Mathew
Moved 29th June 1883 Middlesex, McCarthy v Jacob & anr Mr Cromstop Justice Day

Mathew Moved 29th June 1883 Middlesex, McCarthy v Jacob & any Mr Crompton Jun-

Moved 29th June 1833 Middlesex, McCarthy v James & any six Countries Day
Moved 29th June and 3rd July 1883 Middlesex, Fronds v Smith Mr Gooper
Wild Justice Hawkins
Moved 7th July 1883 Middlesex, Myers & any v March Mr Clay Justice Cave
Moved 9th July 1883 Middlesex, Jacobe v The Derby Tramways Co Mr Powell
Justice Hawkins
Moved 12th July 1883 Middlesex, The Credit Co v Webster The Solicitor-Gen
Justice Hawkins
Moved 12th July 1883 Middlesex, Young & Co v Schuler Mr E Clarke Justice
Maniety

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Moved 16th July 1883 Lewes, Clew & anr v Hale & anr Mr E Clarke Justice
Day
Moved 16th July 1883 Middlesex, Quiclan v Walker Mr McIntyre Justice
Manisty

Manisty

Moved 21st July 1883 Middlesex, Edmands v Coles & anr Mr T Salter
Justice Watkin Williams

Moved 21st July 1883 Stafford, Palmer v The Midland By Co Mr Powell
Justice Mathew

Moved 28th July 1883 Surrey, Manuing v Adam Bros Mr Willis Justice
Manisty

Manisty
Moved 28th July 1883 Carlisle, Strause v The County Hotel & Wine Co M Er
Ambrose Justice Stephen
Moved 30th July 1883 Manchester, Mulr & Co v Auglo-American Brush Electric
Light Corporation id Mr Gelly Justice Pearson
Moved lat August 1883 Sarrey, Hausldine v Stoke & anr Mr T R Kemp
Justice Manisty
Moved 1st August 1883 Middlesex, Scrymgeour v London & North-Western
Ry Co Mr C Russell Baron Policek
Moved lat August 1883 Nottingham, King v Reedman Mr Graham Justice
AL Smith

Moved 1st August 1883 Nottingham, King v Reedman Mr Graham Justice AL Smith
Moved 2nd August 1883 Stafford, Bivers v The North Staffordshire Tramways
Co Mr T R Kemp Justice Mathew
Moved 1st and 3nd August 1883 Huntingdon, Baker v Whittons Mr Fillan
Lord Justice Baggalay
Moved 4th August 1883 Middleser, Westscott v Smalley & anr Mr Willia
Justice Watkin Williams
Moved 6th August 1883 Swanzea, Griffiths v Wade & Co Mr McIatyre Justice
Field
Moved 6th August 1883 Avleshury, Masson v Mont Dure of Burnesmouth 1d Mr

Attenborough Baron Huddleston

Attenborough Baron Huddleston
By Notice of Motion,
Set down 25th October 1883 Newcaste, Chestoan v Blakey Mr Luck Mr
Commissioner Wills
Set down 25th 1883 October
Bristel, Wilkins v Day Mr Poele Lord Chief
Justice of England
Set down 25th October 1883 York, Kilbura v Rowntree Mr Waldy Justice

Cave
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Set down 26th October 1883 Manohester, Lockwood v May & C. Mr Heywood
Justice Pearson
Set down 26th October 1883 Cambridge, Pawsey v Bloss Mr Phillerist Lord
Justice Baggallay

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new trial Salford trial in Yorkabire

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Special Paper. For Argument.

Restored 1st June 1883 Blewitt & anr (Noon & Co) v Cotton demr to defence (Stands over, notice to be given)
Set down 4th June 1883 Lodge (Parkers) v Crossley demr to defence (Stands over till decision of appl in Bankruotcy)
Set down 13th June 1883 Merrett & ore (J C S:lby) v Bridges sp c before

two judges t down 25th June 1883 Swinburne (Longbourne) v M:lburn sp c before

Set down 29th June 1883 Aspey (Hare & Co) v Jones & ors ap c before two judges
Set down 2nd July 1883 Thompson (Johnston, H & P) v Gainford demr to claim
Set down 2nd July 1883 Thompson (Johnston, H & P) v Bateman & Gainford
demr of deft Gainford to claim

Set down 3rd July 1883 Gammon (Dollman & P) v Corpn of the Hall of Arts

& Sciences sp c before two judges at down 7th July 1883 Boack (H T Chambers) v Reed & ors demr of defts The Milford Docks Co to claim

The Milford Docks Co to claim

Set down 13th July 1883 Johnson (Clarke W & Co) v Altrincham Permanent

Benefit Society deur to claim

Set down 19th July 1883 Dawbarn admr (Mackeson & Co) v Hilland & anr
demr of deft Hilland to claim

Set down 23rd July 1883 Booth (Tippetts & Son) v Smith demr to claim

Set down 25th July 1883 Harrison (plt in person) v Anstruther demr to claim

Set down 1st Aug 1883 Bradlaugh (Lewis & L) v Gosset demr dem to claim

Set down 9th Aug 1883 Vickers (Williams J & W) v Allen sp o before two

judges
Set down 16th Aug 1883 Manobester & Oldham Bk ld (Learoyd & Co) v W A
Cock & Co sp c before two judges
Set down 3rd Sept 1883 Mayor & of St Helens (Gregory & Co) v St Helen's
Colliery Company sp c before two judges
Set down 19th Ort 1885 In the matter of a petition of Right, Byland (Simpson

Set down 19th Oct 1883 In the matter of a petition of Right, Ryland (Simpson & Co) v The Queen deur to petn of right
Set down 22nd Oct 1883 Gye & ors (Ridsdale & Son) v White & anr spobsfore

vo judges down 23rd Oct 1883 Hobson (Johnston, H & P) v Churchward & anr dour

Opposed Motions. Standing over

Bowen v Hall (S O generally)
Brunton v Whitaker (S O notice to be given)
Tantz v Hammond (S O generally)

In the matter of an Arbitration between Issac Jenks and the Polsall Coal & Iron

In the matter of an Arbitration between Isaac Jenks and the Polsall Coal & Iron Co (S O notice to be given)

Roosey v Whiteley (S O for arrangement)

Puleston & Co v Ludd (S O till case in Court of Appeal is disposed of)

In the matter of an Arbitration between G Benton and A Wordinuses & ors and the Sutton Bridge Dock Co (S O notice to be given)

Past v Walter Jones & Co (S O notice to be given)

In the matter of an Arbitration between the Hackmondwike Local Board and Elizabeth Rawson & ors (S O notice to be given)

Pohlmann v Baxendale & anr (S O notice to be given)

In the matter of albert Engell, Gent, a solicitor (S O Muster to report)

Grain v Yorke & anr (S O notice to be given)

Walmaley v Mundy (ax pte Goodenough —S O Master to report &c)

Bradlaugh v Gosect (S O till argument of demr)

Ex pte Short, Short & Co (S O till report of Referee)

Shaw & Co v Henderson (P A Boulton claimant—stands over till decision of appeal in Bankruptey)

For Argument.

Hill & anr v Collis Ortner & Houle v Boddam In the matter of John Riche Comart Gordon & Co v McDowell, Hankey & Co Robinson v Bradshaw atter of John Richardson, Gent Cawley v Burton Garrold v Hollings

Same v Same

Rooney the younger v Whiteley Levison v Neck Huddersfield Banking Co v Ward

Jackson v Norton In the matter of S B Ward, Gent one

Conyour v Cavanaga Kirby v Hopkins Murrell v Uaher Woolley & anr v Phelps trading &c Warne v Cutbush

In the matter of an Arbitration between Kowska & Co and James Moss & Co Cockle v Parish

Johnstone v Colquboun Tavernier v Werner McLachian v Agnew & ors Toms v Worley Claridge v Kemp O'Leary v Wallace Warne v Cutbush

Conybear v Cavanagh

Sioper v Beale Toms v Worley

Wilkins v Day

Grant v Baston Quenerduaine v Cole Same v Same Mellars v Sureties

one, &c The London & South-Western Ry Co v Warren Bros

Stothert v Newport (Alexandra) Dock

Co ld
In the matter of John Maunder & anr
Pountney & Son v Knowles (In re A
T H Evans a solr)
Brown asmix v Blackburn Victoria
Permanent Building Society
Woolley & anr v Phelps
Wilka & Co v Batch (Hensor Street
Wood Paying Co.)

Wood Paving Co) Webb v Banks

Pountasy v Clayton

Bowker v Evans & ors trading &c
Fray v Enclosure Commissioners for
England & Wales

Bradbary v Cooper Goddard & Son v Wallace & Co In the matter of M H Lewis, Gent one

Hallett & Son v Drowell Chadwick v Worthington Pierson v Knutsford Estates Co ld &

Chapman v Boot & ors Thomas Brown & Co v Hempsted & Co rth extrix &c v Brett & and urner v Atkinson

Crown Paper. For Judgment.

Middlesex The Queen v Labouchers Nisi oriminal information Exparts
Dake of Vallombross Argued 10th and 11th May
Kent, Tonbridge Wells Kentish Tailoring Co v Adie (Barlow claimant) County
Court Argued 20th and 30th May S.O. till judge in Court of Appeal in Reverse

Tonbridge Wells Edwards and any Same (Same claimant) Ditto

For Argument.

Cornwall Cie Française du Télégraphe de Paris a New York v Pensanos Union and ors Quarter Sessions Special case 12 and 13 Vict c 46 S.O. till

ornwait Clearer Sessions Special case 12 and ors Quarter Sessions Special case 12 and and ors Quarter Sessions Special case 12 and and Investment Permanent Building condon In re The Communional Deposit and Investment Permanent Building Society City of Landon Court Nisi to set aside order Mr Communionar Kerr County Court Defendants'

Judge
Glamorgan, Pontypridd Rossiter v Thomas and anr County Court Defendants'
nisi for new trial B T Williams Eaq Judge
Durham, Stockton-on-Tees and Middlesbrough Heske v Samuelson and Co
County Court Plaintiff's niei for new trial C T Turner Eaq Judge
Lancashire The Queen v Mayor & of Liverpool Nisi for mandanus to assess
compensation. Ex parte Davis
Devosshire, Bideford The Queen v Mayor & of Bideford and anr Nisi for
certiorari for two orders of Town Council Ex parts W Welrond
Surrey, Southwark Duck v Bates County Court Nisi to enter judgment for
plaintiff or new trial H L Stonor Eaq Judge
Surrey The Queen v Headington Union Order of Session Nisi to quash
Restored 29th May 1883
Hampshire, Southampton Giblin v Oswald, Mordaunt and Co County Court
Dits' nisi for new trial
Middlesex The Queen v Pickering Nisi for certiorari for inquisition for com-

plaintiff or new trial. H. I. Stonou Reg. Judge
Surrey The Queen w Headington Union Order of Session Niel to quash Restored 29th May 1833
Hampshire, Southa spion. Giblin v Oswald, Mordaunt and Co County Court Did's rish for new trial.

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Middlesex The Queen v Judge of Marylebone County Court and W Newman Ni-i to hear action "Burgees v Newman" Middlesex, Westeninster Terry and an v Blaeby County Court Pit's nisi for new riel J Teilock Esq Judge Balford Megason v Mapleston Hundred Court Dft's risi for non-suit or new trial H H West Esq Judge Yorkshire, Howden Baker v Handyside and Co County Court Special case Dft's app F A Bedwell Esq Judge Leds The Queen v Bramley Union Order of Sessions Nisi to quesh Saffordshire, Stoke-upon-Trent Wikins v Nicholis and Co County Court Nisi to enter judgment for dies or new trial T H Jordan Esq Judge Middlesex, Westminster Offer v Brown County Court Nisi to enter verdict for pit or new trial F Turner Esq Deputy Judge Middlesex The Queen v Yatrs Criminal information Plea to jurisdiction Denurrer Concilium Seffolk The Queen v Major Rouse and ors Jj &c and Oakes Nisi to state case Ex parte Carr Suffolk The Queen v Major Rouse and ors J & and Oakes Nisi to state case Ex parts Carr
Cheshire, Stockport Wilds v Mayor & of Manchester County Court Nisi to enter judgment for defts or for new trial T Hughes Eag Judge
Vorkshire, Bradford Jennings and anr v Bewerley and ors County Court Nisi to enter judgment for dit Beverley or for new trial W T S Daniel Esq Judge
Durham, South Shields Dinning v South Shields Union Magistrate's case
Essex, Colchester Herbert v Mills County Court Pit's nisi for new trial J T
Abdy Esq Judge
Middlesex, Westminster Shapoott v Chappell County Court Dit's nisi for new Middlesex, Westminster Shapcott v Chappell County Court Dit's nisi for new trial J Tatlock Esq Deputy Judge
Bradford The Queen v R Kell Esq and anr Jj &c and Knight nisi to state case Ex parte Naylor
Lancashire Cooper v Overseers &c of Township of Walton-on-the-Hill Quarter Sessions
Special case 12 and 13 Viot c 45 s 11
Yorkshire W R The Queen v Justices of West Riding of Yorkshire Nisi for costs of mandanus. costs of mandamus
Middlesex Met Board of Works v Pritchard Magistrate's case
Somersetaire Chappell v Emson Ditto
Hertfordahire, Hertford Poulton and anr v McMullen and aur County Court
Nisi for non-suit on claim and for judgt on counter-claim or for new trial J T Somerestshire Chappell v Emson Ditto
Hertfordshire, Hertford Poulton and and v McMullen and and County Court
Nisi for non-suit on claim and for judge on counter-claim or for new trial J T
Abdy Req Judge
Southampton Andrews v Standish
Magistrate's case
Glamorganshire, Swansea Cory v Harvey County Court Special case Dft's
app B T Williams Esq Judge
London Solt to Met Bd of Works v Eston and and Magistrate's case
Met Pol Dist Strong v J S Murray Ditto
Met Pol Dist Strong v J S Murray Ditto
Met Pol Dist Cox v Andrews Ditto
Middlesex, Westminster Griffiths v Wheeler County Court Nisi to enter judgt for deft J Tatlock Esq Judge
Lancashire, Bury Connolly and and v Makin County Court Nisi to enter judgt for plt for £50 C Huston Esq Judge
Carmarthenshire, Carmarthen Jones v Woolston County Court Plt's nisi for new trial W Beresford Esq Judge
Met Pol Dist Governor and Co of the New River v Barham Magistrate's case
Yorkshire, Bradford Kannedy v Ambler County Court Nisi to enter judgt for plt or for new trial W T S Daniel Esq Judge
Durham, Bishop Auckland Tossfale v Ashmore and ors County Court Special case Dft's app E J Meynell Rsq Judge
Burrey, Lambeth Martin v Wyatt Magistrate's case
London Cook v Solicitor to Met Board of Works Ditto
Staffordshire The Queen v West Bromwich School Board Order of Sessions
Nisi to quash
Berkshire The Queen v Bewlee Esq and and Jj &c Summons for certiforari for order of Jj Ex parts Abingdon Highway Board Referred by Mr Justice
Butt from chambe s
Yorkshire, New Malton Jabez Holmes v North Eastern Ry Co County Court
Special case Dft's app F A Bedwell Esq Judge
Lancashire, Mandelsy Jones and Co v Farmer County Court Nisi to enter non-suit for plt or for new trial J A Russell Esq Judge
Saropshire, Madelsy Jones and Co v Farmer County Court Nisi to enter non-suit for plt or for new trial J A Russell Esq Judge
Westmoreland Jones v Fallowfield Magistrate's case
Glamorganshire, Cardiff Murphy the younger v Coffin and Co County Court
Special case Pit's app S M Herbert Esq Judge Re-stated

Attorney-Martin, Surveyor of Taxes v Trustees of Congregational Memorial Hall Last, Surveyor & v The London Assurance Corporation Blake, Surveyor & v Imperial Brazilian Natal and Nova Cruz Ry Co ld The Burial Board of Paddington v The Commissioners of Inland Revenue

#### MIDDLESEX.-MICHAELMAS SITTINGS, 1883.

MIDDLESEX.—MICHAELMAS SITTINGS, 1883.

This list contains all actions entered in the Queen's Bench Division, in which notice of trial bas been given, and also all actions in the Chancery Division, in which notice has been given of trial before a judge and jury; up to and including and November, 1883.

The actions which have been entered but for various reasons are at present not ready for trial are omitted from this list. Such of them as become ready during the present sitting will be inserted, as nearly as possible in their original positions.

When actions are settled out of court the solicitors concerned are particularly requested to withdraw the pleadings, as great expense and uncertainty are occasioned to the suitors in other causes by the maintenance in the list of actions not intended for trial.

LIST OF ACTIONS FOR TRIAL WITH JURIES. LIST OF ACTIONS FOR TRIAL WITH JURIES.

1 Belt (C O Humphreys and Sons) v Ranken and ors (Lewis and L). SJ

2 Ver Høyden (A G Ditton v Belt (Kinsey, A and H). SJ

4 Henderson (B J Macarthur) v Herittage (F Heritage and Co). SJ

4 Watson and ors (G Davis and Sons) v Magalhaes (Trollope and W). SJ

5 Hirst (Van Sandau and C) v Ellis (Lowless and Co). SJ

6 Aston (Newman and Co) v Pure Beverage Co limd [Watkin Williams, J]. (Harrisons).

7 Foster, Hight and Co (Rooks and Co) v Ward (Champion, R and P). pt hd

8 Bennett (T O Dear) v Wyer and Hartley (H Fox)
9 Nassauer (F Bradley) v Worley (Stibbard, G and Co) SJ
10 Hancock (W Rawlins) v Lewis (G E Smith)
11 Sohmidt (G Davis, Son and Co) v Mogford (Tyrell, L and Co) SJ
12 Lake (T Durant) v Grant (W J Fardell)
13 Jamieson and aur (Nye and G) v Ashley (R H B Fisher)
14 Longley (G Robins) v Baskin (Jackson and E)
15 Mc Donald (Cooke, C and S) v Walker (Fowler and P) SJ
16 Milvord Haven Ry and Estate Co limit (Ashurst, M C and Co) v Gaskell
(Miller and M)
18 Drew and ors, tradg, &c (Rhodes and Son) v Baynham (C A Bannister)
19 Vulliamy (Pyke and M) v Guye (M Abrahams and Co)
20 Ancell (A T Barrow) v Gow and Co (A Pulbrook)
21 Thucy (M Abrahams, Son and Co) v Foster, Hight and Co (Hindson, M and V)
22 Bryant (C Edwards) v Soames (Terrell and A) 21 Thney (M Abrahams, Son and Co) v Foster, Hight and Co (Hindson, M and V)
SJ
22 Bryant (C Edwards) v Soames (Terrell and A) SJ
23 Heighton (Thomson and W) v Kellond (H H Wells)
24 Heighton Bros (Same) v Same (Same)
25 Lord Beresford (G S and H Brandon) v Trevelyan (C N Longcroft)
26 Lord Beresford (G S and H Brandon) v Trevelyan (C N Longcroft)
27 Jacobson (Tibbitts and Son) v Pincoff (Lewis and L) SJ
28 Thompson (B Hope) v Fearse and ors (Leesdale and Co) SJ
29 Farn (Tyrell, L and Co) v Kennell (Hollingsworth, T and A) SJ
20 Wood (Poole, H and P) v Tramways Construction Co limd and ors (Wilkins,
B and D; Lane and M; T Frame; Campbell, R and H) SJ
28 Reynolds (E Godfrey) v Campbell and Co and ors (M Shephard)
29 Daunt (Wild, B and W) v Barr (J Chapman) SJ
20 Leighton (F A Rudall) v Royal Courts of Justice Chambers Co limd (Campbell, R and H) SJ
28 Edison Electric Light Co limd (Waterhouse, W and H) v Swan United Electric Light Co limd (Aslurst, M C, and Co) SJ
29 Gover and ors (H Gover and Son) v Reid and ors (F L Keays) SJ
20 Mitchell (Argles and A) v Cunningham (E R Keele) SJ
20 Mitchell (Argles and A) v Cunningham (E R Keele) SJ
20 Neilson and Co (Clarke, R and Co) v Reed, Bowen and Co (Wainwright and B)
20 Turk (Marsden and Son) v Hatton (W J Child and Son) Selection and Co (Clarke, R and Co) v Reed, Bowen and Co (Wainwright and B)

39 Turney (Marsden and Son) v Hatton (W J Child and Son)

40 Hardie (8 J Debenham) v Barnet Union (Houghtons and B) SJ

41 Pitman and aur (H M P Sheppard) v The Cariton Bank limid (Bury and Co)

42 Miller (Carritt and Son) v Joy (Pescock and G) BJ

43 Remy (Farrar and F) v L B and S C Ry Co and ors (W R Stevens)

44 Wood (8 G Turner) v Godfrey (In Person)

45 Varty (T Durant) v Nanson (Vallance and V)

46 Wakelin (Jarvis and T) v London and S W Ry Co (Bircham and Co)

47 Southcott (Makinson, C and Son) v Browne (Campbell, R and Co) Consolidated SJ

48 Dean and Co (White, Harrison and Co) v People's Café Co limd (G L P Eyre

and Co)

49 Childs (Cookson, W and P) v Tottenham Local Bd of Health (Heath, P and B)

50 Handyside and Co (Neish and H) v Merritt and anr (J Chapman) 49 Childs (Cookson, W and P) v Tottenham Local Bd of Health (Heath, P and B)
SJ
9 Handyside and Co (Neish and H) v Merritt and anr (J Chapman)
51 Rapley (F O'Brien) v Taylor and anr (J T Claxton)
52 Masefield and anr (E Newman) v Shepherd (Moon and Co)
53 Smith (Dubois and R) v Alabaster (Brown, Son and V)
54 Cloud (Wilkinson and Son) v Cordner (A Inderwick)
55 Bates (C Fitch) v Cates (White and Sons)
57 Smith (Dubois and R) v Cordner (A Inderwick)
58 Simpson (G M Cooke) v Poole (Soames and Co)
58 Simpson (G M Cooke) v Poole (Soames and Co)
59 Firmin and anr (Munns and L) v Matte (G Durbidge)
59 Firmin and anr (Munns and L) v Hansen (J Billing)
50 Davis (Crook and C) v London and S W Ry Co (Bircham and Co)
61 Brice (Same) v Thames Iron Works and Ship Building Co limd (J H and T E Farnfield)
51 Nation (Watson, Sons and R) v Logan and ors (Fladgate, S and F; Cutler and Co)
52 Salley (Lumley and L) v London Guarantee and Accident Co limd (G and H Tilleard)
53 London and County Bank (A E Francis) v Foot (Ashley, Tee and Son)
54 Hounsell (E O Kilsby) v Landau and Co (H W Cattlin)
55 London and County Bank (A E Francis) v Foot (Ashley, Tee and Son)
65 Base (Same) v Fenning (C F B Birchall)
66 Base (Same) v Fenning (C F B Birchall)
67 Hasker (W Hasker) v Abraham (Ashurst, M C and Co)
68 Westinghouse (Faithful and O) v Lancashire and Yorkshire Ry Co (Linklater and Co)
68 J James (Lumley and L) v Hunter (Emmett, Son and S) 68 Westinghouse (Faithful and O) v Lancashire and Yorkshire Ry Co (Linklater and Co) SJ
8 Same (Same) v London and S W Ry Co (Same) SJ
70 James (Lumley and L) v Hunter (Emmett, Son and S)
71 Zuccani (Fritchard, E and Co) v Vallance (Vallance and W)
72 Bruce (B Hope) v Metropolitan Ry Co (Fowler and P) SJ
73 Silke (Brook and C) v Smith (A D Michael) SJ
74 Edwards (Noon and C) v L B and S C Ry Co (Baxter and Co) SJ
75 Smith (Freston and Co) v Ling (Cann and Son) SJ
76 Toppin and ors (G F Hird) v Buckerfield and anr (Willoughby and W; E T
Tadman)
77 Terry (W J Godden) v Dubois (W Maynard)
78 Chinnick (T A Lee) v Elias (G Lockyer)
79 Paine (Noon and C) v Jacks (O E Dawson)
80 Birmingham Vinegar Browery Co lind (Coopers) v Heidemans (G RoseInnes, Son and Co) SJ
81 Cramer and Co (G S and H Brandon) v Giles and anr (Miller and M)
82 Bennett (Burn and B) v Cuddon (S Tilley)
83 Gage (G B B Norman) v Midland Ry Co (Marigold, B and Co) SJ
84 Brown (Mossop and R) v London and North-Wostern Ry Co (C H Mason)
85 Towney (J Webb) v Hamilton (T L Allen) So Unge (W Mossop and R) v London and North-Western Ry Co (C H Mason)
S J Toomey (J Webb) v Hamilton (T L Allen)
S Ellis (Woodfin and Co) v Peoples Property Co limd (Howard and S)
S Searle (Same) v Morris and anr (J E S Kng; G Johnson)
Hencknell, Du Buisson and Co (Wordsworth, B and Co) v Hugh Watt and Co
(Kearsey, Son and H)
Thorpe (Yorke and W) v Reneson (Coe and Co)
Postatoe (R Chapman) v Read (Vennings and Co)
Buhrer (Pearce and Sons) v Holloway (Woodbridge and Sons)
Taylor and ors (S F Weall) v Garnes and anr (T Carr)
Nach (A E Rosenthal) v Trustees of the Poor of St Mary Abbotts, Kensington
(Green and H)
S Burstall and Co (Parker, G and P) v Bryant (Bompas, B and D)
Hudson (S Tilley) v Bagshaw (Paterson and Co)
Wilkins and ors (F R Wright) v Salt (S Toppin)
NewSome (Chester, M B and t) Myer (H Montagu)
Newsome (Chester, M B and t) Myer (H Montagu)
No Nowton (Barnard and Co) v Hall and Sons (J Goren)
London and Provi Fire Insec Co limd (Lowis and L) v Caveriy (A Donaldson)
C Hudson (S Tilley) v Band D) v Tauner (Eardley, Holt and R)
Denford (G B B Norman) v Corbett (R Bridger)
Denford (G B B Norman) v Corbett (R Bridger)
Wood (J J Cummins) v Reed (Barnard and Co)

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- 108 Mackennie (Hogas and H) v Bowen (Wainwright and B)
  109 Dolman and ors (Beal and De Soyres) v Loss (Merriman, P and M)
  110 Lovegrove (G-B B Norman) v Newton (Phinlicht and S)
  111 Legge (J Mc Millin) v Era Industrial and Genl Fire Inace Co (T D and W H
  Pettiver)
- Pettiver)
  112 Vestry of St Leonard, Shoreditch (Mills, L. and M) v Jeffreys (Beyfus and B)
  SJ

- 8J

  Bryceson (H Montagu) v Holmes (B S Fraser)

  114 Fracer (Digby and L) v Wilson (W Foster)

  115 Cook (W J Graham) v Nicholls (Graham, B and B)

  116 Plumbly (Rogers and C) v Rowe (Wild, B and W)

  117 Matthewson (Noon and C) v Allan (Walton, B and W)

  118 Mc Carthy (E Kimber) v Thompson (Hicklin and W)

  119 Hansell and am (Dengerfield and B) v Preston and am (exors) (Burchells)

  SJ

  120 Rush (T Roulium) v Montague (B C)

- 119 Hansell and air (Irangeans)

  St. Rush (T Boulton) v Mannington (Palmer and B)

  111 Durham (Cave and C) v Silocok (Gree and Sons)

  112 Martineau and air (H Tyrrell) v Archer and Co (E T Hargreaves)

  113 Templeman (Wainwright and B) v Weiks and Wife (G J and P Vanderpump)

  114 Ecclesiastical Commis for England (White, B and Co), v Colls (H M Ody)

  (To be continued.)

## CENTRAL CRIMINAL COURT.

The following days have been fixed for the commencement of the sessions in the year ensuing, viz:—Monday, November 19, December 10, January 7, 1884, January 28, February 25, March 17, April 21, May 19, June 23, July 28, September 15, and October 20.

# COMPANIES.

### WINDING-UP NOTICES.

WINDING-UP NOTICES.

JOHN STOCK COMPANIES.

LIMITED IN CHARGES?.

BLUE TENT CONSOLIDATED GOID MINES OF CHARGES?.

B. RECHARGE MOTOR SYNDICATE, LIMITED.—Fettifion for winding up presented Oct 36, directed to be heard before Bacon, V.C., on Nov 10. Bealf and Co. Queen Victoris 86, solicitors for the petitionner.

PLAIC CREME LARKES WAYER CONFAINT, LIMITED.—Petition for winding up presented Oct 36, directed to be heard before Chitty, J., on Nov 10. Renshaws, Sunfolk lane, solicitors for the petitioning company presented Oct 31, directed to be heard before Tenting company.

LAND AND WATER, LIMITED.—Petition for winding up presented Oct 31, directed to be heard before Becon, V.C., on Nov 10. Hatchett-Jones and Leveher, Mark lane, solicitors for the petitioners

LANDRAHLET SHRUFTEN CONFAINT, LIMITED.—Petition for winding up presented Oct 30, directed to be heard before Pearson, J., on Nov 10. Ingle and Co. Threadneedle st, solicitors for the petitioners

[Guasta Nov. 2.]

Genetic, Nov. 2.]

Genetic, Nov. 2.]

Genetic, Nov. 2.]

Genetic, Policious, Lehrens, The Vacation Judge has, by an order dated.

Oct 17, appointed James Cooper, Coleman et bldge, to be official liquidated.

LARD AND WATER JOHENAR. Octavary, Lehrens, Petition for winding up presented Nov. 2, directed to be heard before Kay, d., on Nov 18. Morren and Co.

Newgate st, solicitors for the petitioners

WESTERN PROVINCIAL LARD CORPANY, LIBITIED.—North, J., has, by an order dated Oct 28, appointed Heary Write, Chare st, Bristol, to be official liquidator

[Genetic, Nov. 6.]

BESTANNIA PREMARENT BENEFIT STREETS SOURCEST.—Petition for winding up, presented Nov 5, directed to be heard before Bacqu. V.C., on Nov W, at the Hoyal Courts of Justice. Pattison and Co, Queen Victoria at, solicitors for the petitioner

FRIENDLY SOCIETIES DISSOLVED.

LLANYSTUNDWY AND CRICCIETT FRIENDLY SOCIETY, National Schools, Llanystundwy, Camaryon. Oct 29

WOMEN'S FRIENDLY SOCIETY, Schoolroom, Holy Trinity Church, Forest of Dean, Glonoster. Oct 20

GLANTRAMON FRIENDLY SOCIETY, Old Calvinistic Chapel, Llaurglyn, Montgomery.

Oct 31 New Perendly Society, Peacock Inn, Toweester, Northampton. Nov 1 [Gaastie, Nov. 6.]

#### CREDITORS' CLAIMS.

CREDITORS UNDER ESTATES IN CHANCERY.

LAST DAY OF PROOF.

CLEAVER, CAROLINE CHARCOTTE WILHERING, Breachley, Kent. Dec II. Cleaver v Pennedather, Kay, J. Hume, Great James st. Bedford row June, Jouent, Batley, Kork, Woollen Manniacturer. Dec I. Parker v Sheard, Chitty, J. Taylor, Batley
KILEY, ROBERT, Sloane st. Baker. Dec 1. Wells v Kilby, Chitty, J. Mitton, King's Bench, walk, Temple
LUMB, LUKE, Elland, nr Halifar, Coal Merchant. Nov 26. Lumb v Lumb, Pearson, J. England, Halifax
VIPAN, ELEANOR, Bedford. Dec 1. Wilson v Vipan, Pearson, J. Lydall, Southampton bldgs, Chancery lane

[Gasette, Nov. 2.]

CREDITORS UNDER 22 & 23 VICT. CAP, 35.

LAST DAY OF CLAIM.

ABRAHAM, PHGEE, Kempston, Bedford. Dec 1. Mitchell and Webb, Bedford APILETAND, CHARLES, Halifax, York, Gent. Dec 8. Chambers and Chambers, Brighouse

BAKER, CHARLES PATRICE, Chelmsford, Essex, Chemist. Nov 12. Gepp, Chelmsford

BESET, CHARLES, Birmingham, Gent. Dec 10. Jaques, Birmingham BECK, CHARLES, Rome, Italy, Esq. Nov 30. Staden and Mackenzie, Delahay st BUNCOMBE, HARRY, Castle Cary, Somerset, Ironmonger. Dec 8. Russ, Castle

Cary
Campac, Raphael Francis, Quadrant rd, Canonbury, Gent. Dec 6. Tabor,
Abchurch lane, Cannon st
Conwax, Charles, Upminster, Essex, Licensed Victualler. Dec 31. Hunt and
Co, 8t. Swithin's lane
DEAN, ROEERT, Linton. York, Gent. Dec 1. Heelis and Thompson, Skipton
DUGGAN, JOHN, Great Crosby, nr Liverpool, Tailor. Dec 25. Parr and Sadler,
Konthnor.

ERDE, CHARLES, Billingshurst, Surrey, Gent. Nov 20. Burgess and County ERDE, CHARLES, Billingshurst, Surrey, Gent. New 20. Burgess and Cosens Finsbury circus
FARRED, WILLIAM, Ashton under Lyns, Laucaster, Grocer. New 19. Lord, Ashton unper Lyns
FARRED, JOHN WILLIAM, Upper st, Islington, Licensed Victualler. New 21.
Smallman, Queen st, Cheapside
HAWEES, SARRH, Blackpool, Lancaster, Jan 23. Whitaker, Duchy of Laucaster
office, Lancaster place, Strand
HAWEINS, DARIEL, Harrow on the Hill, Farmer. New 23. Soamus, Finsbury
navement. pavement Holdsworth, James, Belsize rd, Hampstend, Gent. Nov. 0. Baker and Co. Connon st Hollow, William, Stratford upon Avon, Warwick, out of business. Nov & Slatter and Co, Stratford upon Avon Holway, John, Highbridge, Somerset, Timber Merchans. Dec 10. Brice, Burn-Horsell, George, Wootton Bassett, Wilts, Farmer. Dec 31. Bevir, Wootton Bassett HUYCHISON WILLIAM COESTON, Holly place, Hampstead, Leq. Dec 11. Roy and Cartwright, Lothbury ISAAC, ELEMARTH, Lawford rd, Kentish Town. Jan 19. Kays and Jones, New

Inn
JENEIUNS, JOHN, Fulshaw, Chester, Gent. Dec 1. Hadfield, Manchester
MARRIS, TROMAS, Workson, Nottingham, Gent. Feb 1. Alderson and Ce,
Eckington, ar Chesterfield
MILLSON, PHERE, Epworth Lincoln. Nov 15. Sharp, Epworth
MOFFAT, ROBERT, Leigh, ar Tombridge, Kent, D.D. Dec 10. Chariton, St
Swithin's lane
PAGE, SARAH, Little Queen st, Westminster. Nov 28. Birt, Townhall chambers,
Southwark, Barkerville, Cariboo, British Columbia, Rarrister at Law. Nov
22. Park, Ulverston
POTTER, FREDERICK, Croydon, Surrey, Gent. Dec 22. Morten and Co, Newgate
st TRUTCH, HENRY, North Petherton, Somerset, Gent. Dec 18. Deas, Great Rus-TUENEE, WILLIAM, Exmouth, Devon, Gent. Nov 30. Cooke and Jones, Old

TURNER, WILLIAM, Exmouth, Devon, Gent. Nov 30. Cooke and Jonas, Old Serjeants inn, Chancery lane WATKINS, ELIZA, Bristol. Dec 1. Pitt, Bristol WATSON, WILLIAM THOMAS, Bristol, Gent. Dec 1. Clarke and Sons, Bristol WELLS, AUGUSTUS EDWARD, Wallace rd, Canonbury, Gent. Nov 30. Bannister, Basinghall st WICKENDEN, GEORGE, Tonbridge Wells, Kent, Gent. Dec 8. Gorham and Warener, Tonbridge Wolff, Louisa Decima, Taunton, Somerset. Nov 30. Pinchard Taunton WOODHOUSE, GEORGE, Bolton, Lancaster, Architect. Dec 31. Greenhalgh and Cannon, Bolton

BLOCK, JANES HUGH, Halliford, Esq. Nev 24. Tomlin, Old Burlington st. BRAY, HERBY, Horncastle, Lincoln, Cabinet Maker. Nov 20. Dec. Horncastle, BRUNT, LOUISA, Mamhilad, Monmouthshire. Dec 1. Greenway and Bythway, Pointypool AIL, ESTHER ELLEN, Belvedere, Kent. Dec 1. Wheatley and Son, New inn.

Strand
CLEMENTE, JAMES, Ramsgate, Colonel. Jan 25. Bannister, John 25, Bedford row
COULTHART, JAMES, Liverpool rd, Islington, Gent. Dec 2. Mille and Co. Brunswick pl. City rd
CHESPIGNY, EMMA HONORIA DOROTHEA CHAMPION DE, St George's rd. Dec 16.
Davidson and Co. Spring gardens
CROSSLEY, JAMES, Cheetham, nr Manchester, Gent. Dec 21. Hinde and Co. Mannd

chester
DAVIS, ELIAS, Leinster sq. Gent. Dec 5. Montagu, Bucklersbury
DICKINSON, THOMAS, Nottingham, Wine Merchant. Dec 5. Maples and McCratth,
Nottingham DICKINSON, THOMAS, Nottingham, Wine Merchant. Dec 5. Maples and Mctratth, Nottingham
FOWLER, ANN, Sottoll, nr Beighton, Derby. Dec 1. Dransfield and Son, Penistone, nr Sheffield
GOBE, CHARLES, Regent st. Jeweller. Dec 1. Wheatly and Son, New inn, Strand
HARRISON, JOSEPH ACKESON, Huddersfield, York, Woollen Merchant. Dec 1.
Sykes and Son, Huddersfield
HULLAND, THOMAS, Nottingham, Gent. Jan 18. Barber and Bowly, Nottingham
HOWES, ELIZABETH ANN, Parton, Witchine. Dec 8. Gregson, Southend.
KINET, GEORGE HENNY, Maxwell rd, Fulham, Gent. Dec 8. Whitchome, Charles
st, 8t James's sq.
KERSLAKE, EMANUEL, Tiverton, Devon, Retired Yeoman, Nov 19. Cockram,
Tiverton

St. St. James's SI
KERSLAN, EMANUEL, Tiverton, Devon, Retired Yeoman. Nov 13. Cockram,
Tiverton
LOMAS, WILLIAM, Stockport, Chester, Publican. Dec 1. Lake and New, Stockport
MAINS, ANNE, Bracknell, Berks. Nov 24. Cave, Bracknell
MEINSETHAGEN, HENRY ALEET, Brighton, Sussex, Merchant: Dec 1. Ereahfields and Williams, Bank buildings
MILES, FERDERICK, St. Peter's rd. Holloway, Esq. Dec 22. Bannister, John st,
Bedford row
Moss, Amelila, Ampney Crucis, near Circnesster, Gloucester. Dec 25. Herbert,
Vigo at, Regent at
MULTION, FERDERICK, OF ELIZABETH DYE MULTION, Saint Ives, Huntingdon. Nov
30. Wallingford and Co, Saint Ives.
OCCLESTON, JOHN JAMES, Manchester, Manufacturer, Dec 21. Hinde and Co,
Manchester
OLIVER, WILLIAM DISNEY, Chertsey, Surrey, Startister-at-Law. Jan 1. Maples
and Co, Frederick's place, Old Jewry
PARRISH, JOHANNA GORDON, Kingswinford, Stafford. Nov 26. Gould and Elecek,
Stourbridge
PARKINSON, JOHN, Lancaster, Plumber, Nov 20. Sharp and Son, Lancaster
SATTERFHWAITE, EDWARD HUGHES, Lancaster, Esq. Nov 19. Sharp and Son,
Lancaster
SLULS, Thomas, Ancaster, Lincoln, Gent. Jan 1. Hebb, Lincoln

ancaster Le, Thomas, Ancaster, Lincoln, Gent. Jan 1. Hebb, Lincoln RD, GEORGE GEPP, Heybridge, Essex, Miller. Nov 24. Crick and Freeman, Maidon
Wilmshurst, James, Heathfield, Sussex, Farmer. Dec 5. Philox, Burwash
Wilton, John, Birmingham, Retired Butcher. Dec 10. Jaques, Birmingham
[Gasette, Oct. 48]

### RECENT SALES.

At the Stock and Share Auction and Advance Company's (Limited) sale held at their sale-room, 58, Lombard-street, E.C., on the 8th inst., the following were among the prices obtained: — London Neccopolis and National Mausoleum £10 shares, £3; Mirror Advertising Company, £1 Founders' shares, 3s. 6d.; South Staffordshire and Birmingham District Steam Trams £10 shares, £5 paid, £2; South Lordon Trams, £3 19s.; The United Horse Shoe and Nall Preference shares, 10s. 6d.; Deferred shares, 5s. 6d; Manchester, Bury, &c., Trams, £0 7s. 6d.; and other miscellaneous securities fetched fair prices.

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# BIRTHS, MARRIAGES, AND DEATHS.

EIRTHS.

Arkcoll, barrister-at-law, of a daughter.
Corbett, barrister-at-law, of a daughter.
Corbett, barrister-at-law, of a son.
Corbett, barrister-at-law, of BIRTHS

. . . WARRIAGE

HALL-HORNE-Oct. 25, at Newport, Salop, Richard Nicklin Hall, solicitor, Dudley, to Mary Elizabeth, daughter of Charles Horne, M.A., Newport, DEATHS

GRIFFITH.—Oct. 27, at Suston, Surrey, Thomas Henry Griffith, barrister-at-law, late of the Inner Temple, London, aged 54.
GROVER.—Oct. 20, Montague Grover, of Crockherbtown, Cardiff, solicitor, aged 72.

# LONDON GAZETTES.

Bankrupts.

FRIDAY, Nov. 2, 1883.
Under the Bankruptcy Act, 1869.
Creditors must forward their proofs of debts to the Registrar.
To Surrender in London. To Surrender in London. loomer, Caleb, Queen Victoria st, Iron Merchant. Pet Oct 31. Murray. Nov 15 at 11.30 15 at 11.30
Formby, H. L. P., Michael's grove, Brompton. Pet Oct 30. Brougham. Nov 30 at 11
Green, Robert, High st, Lower Norwood, Carman. Pet Oct 30. Brougham. Nov 15 at 11
Simmons, Amos, and Robert Mackley, Cricklewood, Builders. Pet Oct 20.
Murray. Nov 21 at 11.30

TOO MENT OF BUILDING YOU

To Surrender in the Country.

Atkinson, William Henry, and Thomas Atkinson, Halifax, Coopers. Pet Oct 29.
Rankin. Halifax, Nov 16 at 11
Cole, Edward, Newport, Mommouth, Brewer's Agent. Pet Oct 31. Davis. Newport, Nov 16 at 11
Doble, Harry John, Gauden rd, Clapham, Dairyman. Pet Oct 30. Willoughby.
Wandsworth, Nov 23 at 11
Haggis, William, Great Horton, Bradford, Overlooker. Pet Oct 27. Lee. Brudford, Nov 16 at 12.16
Hodgeon, Edward, Darlington, out of business. Pet Oct 10. Crosby. Stockton on Tees. Nov 16 at 12.16
Swallow, Arthur Hughes, Choriton upon Medlock, nr Manchester, Licensed Victualier. Pet Oct 20. Lister. Manchester, Nov 19 at 12.30
Thompson, George, Manchester, Dairyman. Pet Oct 31. Lister. Manchester, Nov 12 at 12.30
Williams, John, Stafford, Innkesper. Pet Oct 30. Spilsbury. Stafford, Nov 15 at 12.

Torsiday, Nov. 6, 1888.

Under the Bankruptey Act, 1869.

Creditors must forward their proofs of debts to the Registrar.

To Surrender in London.

Chapman, James, Gresham bldgs, Basinghall st, Solicitor. Pet Oct 24. Murray

Nov 22 at 11

Nov 22 at 11

To Surrender in the Country.

Barker, Alfred Edward, Tranmere, Chester, out of business. Pet Nov 2. Williams. Birkenhead, Nov 21 at 10

Draven, Arthur, Liversedge, nr Normanton, York, Builder. Pet Nov 2. Tennant. Dewebury, Nov 19 at 12.30

David, Thomas Burnet, Budleigh Salterton, Devon, Schoolmaster. Pet Oct 20.

Barker, Abraham, Liverpool, Jeweller. Pet Nov 2. Bellringer. Liverpool, Nov 19 at 1. le al 1 oster, Joseph, Cambridge, Accountant. Pet Nov 3. Eaden. Cambridge, Nov 20 at 3 20 at 5 at 12 at 1

BANKRUPTCIES ANNULLED.

FRIDAY, Nov. 2, 1883

Jansson, Johan Emil, Tabernaele row, City rd. Oct 30

TUESDAY, Nov. 6, 1883. Jones, Francis, Bangor, Hay and Straw Dealer. Nov 1

> Liquidations by Arrangement. FIRST MEETINGS OF CREDITORS.

FRIDAY. Nov 2, 1883.

Kitom. William Miles, Down Hatherley, Gloucester, Horse Dealer. Nov 10 at office of Moores and Romney, Tewkeebury, in lieu of the place originally named. Arrowsmith, Aaron, Church at, Camberwell, Watchmaker. Nov 22 at 12 at office of Hudson, Furniva's inn
Asser, David, Maverton rd, Old Ford, Carman. Nov 14 at 3 at office of Lea, Old Jewry
Bainbridge, John William. West Hartlespool, Foreign Produce Merchant. Nov 13 at 3 at office of Simpson, Church at West Hartlespool
Beleber, Henry, and George Belcher, Gloucester, Marble Manufacturers. Nov 14 at 3 at Queen's Hotel, Birumigham. Taynton and Sons, Gloucester
Bentley, Charles, Birstal, York, Farmer. Nov 15 at 3 at office of Last and Betts, Bond 5; Bradford
Beynn, John, Baldock, Horts, Draper. Nov 15 at 3 at office of Last and Co, Charlespeine, Scie and Co, Aluermanbury
Booth, John Brook, Hallinz. Nov 14 at 3 at Red Cross Brewery, Rastrick, Brignous, Lancasier and Wight, Bradford
Burgess, Robert Edward, Rye lane, Feckham, Milliner. Nov 15 at 3 at office of Cooke and Jones, Old Serjeants' ion, Chancery lane FRIDAY, Nov 2, 1883.

| Coacley, Thomas, Camden vd, Chemist. Nov 15 at 5 at office of Taumer and Co. Chancery Issoe. Leaver and Macketl, Islandin's ana fields. Coacvell, Thomas Richard, Penhabry, Limedin, Parsiar. Nov 15 at 51 at 5 firsted Arms Model, Stadulut! Archarolated of the control of the c Turner, Thomas, Barnsley, York, Intacepar Barnsley, William, and Isaac Brandon Reid, jum., North Shields, Ironmongers, Nov 16 at 2 at office of Wilkinson and Marshall, Grainger st West, Newnstie upon Tyne Waring, Henry, jun, Birmingham, Hosier. Nov 16 at 3 at office of Rooke and Gateley, Bonnett's hill, Birmingham Way, William Dwyer, Gray's inn rd, Builder. Nov 21 at 3 at Inns of Court Hotel Limited. Stokes, Bedford row Witherington, John Thomas, Blackburn, Fish Balesman. Nov 15 at 11 at office of Scott, Victoria st, Blackburn Wyatt, Francis William, Westbourne, Sussex, Yeoman, Nov 19 at 3 at office of Arnold and Cooper, East st, Chichester

Arnold, John, Walthemstow, Essex, Stone and Marble Mason. Nov 19 at 3 at office of Cooper and Co. Lincula's inn fields. Bayley, John. Clewor, Berks, Plainber. Nov 23 at 2 at office of Phillips and Ford, Sheet st. William, Leicester, Boot and Shoe Maker. Nov 22 at 3 at office of Hinots, Friar lane, Leicester Boys, Joseph, Bradford, Commission Agent. Nov 15 at 3 at office of Neill and Broadbent, Kirkgate, Bradford Brown, Arthur, Macclesfield Chester, out of business. Nov 22 at 11 at office of Killmister, District Bank bldgs, Macclesfield

Budd, John, Sideup, Kent, Builder, Nov 23 at 4 at Masons' Hall Tavern, Masons' avonne, Basinchall st. Grenory, Renfrew rd, Lower Kemingroon lane
Burrows, John, Beckenham, Kent, Builder. Nov 17 at 1 at Guiddhall Tavern,
Frost, Leadenhall st.
Carthaer, John, Carlisle, Furniture Dealer. Nov 17 at 3 at Budd Hotel, Carlisle, Errington, Carlisle, Walcefield, York, Hatter, Nov 16 at 11 at office of
Lake and Lake, King st. Walcefield, York, Hatter, Nov 16 at 11 at office of
Lake and Lake, King st. Walcefield, York, Hatter, Nov 16 at 11 at office of
Charlton, George, Barnsley, Painter. Nov 40 at 2 at office of Dibb and Clegg,
Reseat st. Barnsley
Concom, Thomas James, Picture Dealer, Nov 10 at 12 at office of Neilson and
Brown, John et, Sunderland, Bontion, Seaham Harbour
Concom, Thomas James, Newmiller Dam, York, Saddler. Nov 17 at 11 at office
of Marsden and Co, Westgate, Walcefield
Cowley, James, Green lanes, Baker. Nov 31 at 3,80 at office of Young and Sons,
Mark James
Milliam Charles, Tickhill, York, Chemist. Nov 20 at 1 at Angel and
Royal Motel, Donosater, Matthews, Rotherham
Dawsen, Jonathan, Harrington, Cumberland, Fish Dealer, Nov 19 at 11,30 at
White Hart Hotel, Penrith, Pickering, Whitehaven
Derfeley, George Cable, Bromley by Bow, Butcher, Nov 28 at 3 at Swam Hotel,
Drake, George Cable, Bromley by Bow, Butcher, Nov 28 at 3 at office of Unwin,
Queen st, Sheffield
Tottenham, Cheesemonger, Nov 19 at 3 at office of Unwin,
Queen st, Sheffield
Tottenham, Cheesemonger, Nov 19 at 3 at office of Molforstan and Co. Trommonger lane
Ellis, Joseph William, Chichester, Basket Maker, Nov 20 at 1 at office of
Andsell and Co, Market pl, 8t Helen's, Wheelright, Nov 20 at 11 at office of
Andsell and Co, Market pl, 8t Helen's, Wheelright, Nov 20 at 11 at office of
Gruntel, York
George, Faceton, nr St Helen's, Wheelright, Nov 19 at 2 at office of
Grenvet, James, Leeds, Ripley,
Grenvet, James, Leeds, Repley, Derby, Watchmaker, Nov 19 at 11 at office of
Grenvet, George, Buxton, Derby, Marble Lulayer, Nov 19 at 2 at office of Bow

Midgley, Charles, Windsor, Oliman. Nov 21 at 2 at office of Paul and Edridge Staple in Nayler, Frederick, Monkwell st, Chenille Maker. Nov 15 at 2 at office of Reed, and Co. Guildhall chmbrs, Basinghall st
Palmer, Thomas Selwyn, Nottingham, Pianoforte Dealer. Nov 22 at 3 at Inns of Court Hotel, Holborn. Buckby, Nottingham
Pawson, Alexander, Tottenham, Builder. Nov 20 at 3 at office of Parkes and Burchell, Queen Victoria st
Payne, Mark, Kettering, Northampton, Engineer. Nov 15 at 12 at office of Wilkinson, Berridge at Leicester. Gee, Leicester
Preston, John, Bliston, Stafford, Grocer. Nov 17 at 11 at office of Stratton, Queen st, Wolverhampton
Rauger, Morris, Liverpool, Cotton Merchant. Nov 22 at 2 at office of Banner and Sons, North John st, Liverpool. Simpson and North, Liverpool
Readman, John, Middleton, nr Pickering, York, Farmer. Nov 19 at 2 at the White Swan, Pickering. Fetch, Kirbymoorside
Richardson, Jonathan, Relgrave, Lejeester, Grocer, Nov 16 at 3 at office of Wright and Co, Belvoir st, Leicester

Robinson, Thomas, Oxford, Gardener. Nov 27 at 3 at 54, Commarket st, Oxford Mallam, Oxford Robotham, Edward, Birmingham, Licensed Victualler. Nov 19 at 11 at office of Blewitk. Waterloo st, Birmingham
Scott, William, Handsworth, Stafford, Licensed Victualler. Nov 16 at 3 at office of Espat and Singht, Old eq. Birmingham
Sheffield, Joseph Caleb, Wigston, nr Leicester, out of business. Nov 19 at 3 at office of Geo, New st, Friar lane, Leicester.
Shelley, William, Penn, Stafford, Farmer, Nov 16 at 3 at office of Stokes and Hooper, Priory st, Dudley
Shipley, John Henry, Leeds, Draper. Nov 16 at 3 at office of Hardcastle and Barnfather, Victoria sq. Leeds. Raper, Leeds
Short, Thomas, jup, Birmingham, Malleable Caster. Nov 20 at 3 at office of Thomas, Waterloo st, Birmingham, Malleable Caster. Nov 20 at 3 at office of Thomas, Waterloo st, Birmingham, Mileable Caster. Nov 20 at 3 at office of Thomas, Waterloo st, Birmingham, William, Bradford, Hosier. Nov 20 at 11 at office of Gardiner and Jeffery, Cheapside, Bradford
Stevens, Edward. Tipton, Stafford, Licensed Victualler. Nov 17 at 11 at office of Barradale, Castle st. Dudley
Swarbrick, William, Garstang, Laneaster, Brickmaker. Nov 21 at 10 at office of Blackhurst, Fox st, Preston
Tayler, Henry Peter, Bridge st West, Battersea, Coal Merchant. Nov 20 at 3 at office of Aird, Brabant ct, Philipot lane
Thompson, Alfred, Newport, Wharfinger. Nov 19 at 11 at South Wales Merchants Protection Association, Duke st, Cardiff. David, Cardiff.
Tranmer, Edward, Bishop Middleham, Durham, Farmer. Nov 30 at 3 at office of Marshall, Bank chbrs, Durham
Wainwright, John, Park vd. North Acton, Printer. Nov 23 at 10.30 at 27, Chancery lane. Stone, Powls st, Woolwich. Walker. John, Tapporley, Chester, Grocer. Nov 21 at 3 at office of Tibbits, Old Post Office yd, Chester
Waring, Joseph. Elsecar, York. Nov 19 at 1 at Queen's Hotel, Regent st, Barnsley. Nicholson and Co. North John St, Liverpool. Riley, Liverpool
Weston, Airved Bafines, Putney, Grocer. Nov 22 at 13 at office of Tibbits, Old S

and General Book Binders. Nov 15 at 5 at office of American Within Willetts, Moses, Hundsworth, Stafford, Operative Chain Maker. Nov 19 at 3 at office of Bradley, Colmere row, Bradley Wilson William, and Walter Exton, Aldersgate at, Builders. Nov 22 at 3 at 83, Gresham st. Earber and Son, Founders Hall, St Swithin's lane

The Subscription to the Solicitors' Journal is-Town, 26s. ; Country, 28s.; with the WREELS REPORTER, 52s. Payment in advance includes Double Numbers 2nd Postage. Subscribers can have their Volumes bound at the offics—cloth, 2s. 6d., half law oulf, 5s. 6d.

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Notices to Correspondents.—All communications intended for publication in the Solicitors' Journal must be authenticated by the name and address of

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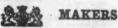
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To Her Majesty, the Lord Chancellor, the Whole of the Judicial Bench, Corporation of London, &c.

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